

1 [Planning Code - Upper Market Zoning]

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3 **Ordinance amending the San Francisco Planning Code Sections 721.1 and 733.1 to**
4 **modify the explanation of the boundaries of the Upper Market Street Neighborhood**
5 **Commercial District and the Upper Market Street Neighborhood Commercial Transit**
6 **District; and making environmental findings, Planning Code Section 302 findings, and**
7 **findings of consistency with the General Plan and the Priority Policies of Planning**
8 **Code Section 101.1.**

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

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

14 Section 1. Findings.

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

19 (b) Pursuant to Planning Code Section 302, the Board finds that the proposed
20 ordinance will serve the public necessity, convenience and welfare for the reasons set forth in
21 Planning Commission Resolution No. _____, which reasons are incorporated herein by
22 reference as though fully set forth. A copy of Planning Commission Resolution No. _____ is
23 on file with the Clerk of the Board of Supervisors in File No. _____.

24 (c) At a duly noticed public hearing held on _____, 2012, the
25 Planning Commission in Resolution No. _____ found that the proposed Planning

1 Code amendments contained in this ordinance are consistent with the City's General Plan and
2 with the Priority Policies of Planning Code Section 101.1. The Commission recommended that
3 the Board of Supervisors adopt the proposed Planning Code amendments. The Board finds
4 that the proposed Planning Code amendments contained in this ordinance are consistent with
5 the City's General Plan and with the Priority Policies of Planning Code Section 101.1 for the
6 reasons set forth in said Resolution.

7 Section 2. The San Francisco Planning Code is hereby amended by amending
8 Sections 721.1 and 733.1, to read as follows:

9 **SEC. 721.1. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL**
10 **DISTRICT.**

11 The Upper Market Street Neighborhood Commercial District, on Market Street *from*
12 *Church to at Castro, ~~and on side streets off Market,~~ is situated at the border of the Eureka Valley,
13 Buena Vista, and Duboce Triangle neighborhoods. Upper Market Street is a multi-purpose
14 commercial district that provides limited convenience goods to adjacent neighborhoods, but
15 also serves as a shopping street for a broader trade area. A large number of offices are
16 located on Market Street within easy transit access to downtown. The width of Market Street
17 and its use as a major arterial diminish the perception of the Upper Market Street District as a
18 single commercial district. The street appears as a collection of dispersed centers of
19 commercial activity, concentrated at the intersections of Market Street with secondary streets.*

20 This district is well served by transit and is anchored by the Castro Street Station of the
21 Market Street subway and the F-Market historic streetcar line. The F, K, L, and M streetcar
22 lines traverse the district, and the Castro Station serves as a transfer point between light rail
23 and crosstown and neighborhood bus lines. Additionally, Market Street is a primary bicycle
24 corridor. Residential parking is not required and generally limited. Commercial establishments
25 are discouraged or prohibited from building accessory off-street parking in order to preserve

1 the pedestrian-oriented character of the district and prevent attracting auto traffic. There are
2 prohibitions on access (i.e. driveways, garage entries) to off-street parking and loading on
3 Market Street to preserve and enhance the pedestrian-oriented character and transit function.

4 The Upper Market Street district controls are designed to promote moderate-scale
5 development which contributes to the definition of Market Street's design and character. They
6 are also intended to preserve the existing mix of commercial uses and maintain the livability of
7 the district and its surrounding residential areas. Large-lot and use development is reviewed
8 for consistency with existing development patterns. Rear yards are protected at residential
9 levels. To promote mixed-use buildings, most commercial uses are permitted with some
10 limitations above the second story. In order to maintain continuous retail frontage and
11 preserve a balanced mix of commercial uses, ground-story neighborhood-serving uses are
12 encouraged, and eating and drinking, entertainment, and financial service uses are limited.
13 Continuous frontage is promoted by prohibitions of most automobile and drive-up uses.

14 Housing development in new buildings is encouraged above the second story. Existing
15 upper-story residential units are protected by limitations on demolitions and upper-story
16 conversions.

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18 **SEC. 733.1. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
19 **DISTRICT.**

20 The Upper Market Street Neighborhood Commercial Transit District is located on
21 Market Street from Church to ~~Noe~~Castro Streets, and on side streets off Market. Upper Market
22 Street is a multi-purpose commercial district that provides limited convenience goods to
23 adjacent neighborhoods, but also serves as a shopping street for a broader trade area. A
24 large number of offices are located on Market Street within easy transit access to downtown.
25 The width of Market Street and its use as a major arterial diminish the perception of the Upper

1 Market Street Transit District as a single commercial district. The street appears as a
2 collection of dispersed centers of commercial activity, concentrated at the intersections of
3 Market Street with secondary streets.

4 This district is well served by transit and is anchored by the Market Street subway (with
5 stations at Church Street and Castro Street) and the F-Market historic streetcar line. All light-
6 rail lines in the City traverse the district, including the F, J, K, L, M, and N, and additional key
7 cross-town transit service crosses Market Street at Fillmore and Castro Streets. Additionally,
8 Market Street is a primary bicycle corridor. Housing density is limited not by lot area, but by
9 the regulations on the built envelope of buildings, including height, bulk, setbacks, and lot
10 coverage, and standards for residential uses, including open space and exposure, and urban
11 design guidelines. Residential parking is not required and generally limited. Commercial
12 establishments are discouraged or prohibited from building accessory off-street parking in
13 order to preserve the pedestrian-oriented character of the district and prevent attracting auto
14 traffic. There are prohibitions on access (i.e. driveways, garage entries) to off-street parking
15 and loading on Market and Church Streets to preserve and enhance the pedestrian-oriented
16 character and transit function.

17 The Upper Market Street district controls are designed to promote moderate-scale
18 development which contributes to the definition of Market Street's design and character. They
19 are also intended to preserve the existing mix of commercial uses and maintain the livability of
20 the district and its surrounding residential areas. Large-lot and use development is reviewed
21 for consistency with existing development patterns. Rear yards are protected at all levels. To
22 promote mixed-use buildings, most commercial uses are permitted with some limitations
23 above the second story. In order to maintain continuous retail frontage and preserve a
24 balanced mix of commercial uses, ground-story neighborhood-serving uses are encouraged,
25 and eating and drinking, entertainment, and financial service uses are limited. Ground floor-

1 commercial space is required along Market and Church Streets. Most automobile and drive-
2 up uses are prohibited or conditional.

3 Housing development in new buildings is encouraged above the second story. Existing
4 upper-story residential units are protected by limitations on demolitions and upper-story
5 conversions.

6 Section 3. Effective Date. This ordinance shall become effective 30 days from the
7 date of passage.

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

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

16 By: _____
17 Elaine C. Warren
18 Deputy City Attorney

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