

**REVISED LEGISLATIVE DIGEST**

(10/16/2012, Substituted)

[Planning Code, Zoning Map - Upper Market Zoning Map]

**Ordinance amending Planning Code, Sectional Map Sheets ZN07 and HT07, to change the use classification of specified lots on Assessor's Block Nos. 3561 through 3565, now in the Upper Market Neighborhood Commercial District to the Upper Market Neighborhood Commercial Transit District, and to change the height and bulk classification of Assessor's Block No. 3563, Lot No. 034, from 50-X to 65-B; adopting findings, including environmental findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1.**

Existing Law

The Upper Market Street Neighborhood Commercial District (Upper Market NCD), on Market Street from approximately Noe to Castro Streets, and on side streets off Market, is a multi-purpose commercial district. Controls are designed to promote moderate-scale development that contributes to Market Street's design and character and preserves the existing mix of commercial uses. Most commercial uses are permitted with some limitations above the second story, where residential units are encouraged. Retail frontages and a mix of commercial uses are encouraged on the ground floor. Residential densities are limited to 1 unit per 400 square feet of lot area or, for group housing, 1 bedroom per 140 square feet of lot area. Height and bulk districts in the Upper Market NCD are 40-X, 50-X and 65-B.

The Upper Market Street Neighborhood Commercial Transit District (Upper Market NCT), on Market Street from approximately Church to Noe Streets and on side streets off Market has the same controls as the Upper Market Street Neighborhood Commercial District with the exception of residential densities and height and bulk. Residential densities, both dwelling units and group housing, do not have density limits by lot area and instead, density is restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls and by design guidelines, the General Plan and design review by Planning. Height and bulk districts in the Upper Market NCT are 40-X, 50-X, 50/55-X and 60/65-X.

Amendments to Current Law

The ordinance would change the use classification map for the area along and on side streets near Market from approximately Noe Street to approximately Castro Street from Upper Market NCD controls to Upper Market NCT controls. Two lots near the northwest corner of Market and Castro Streets would remain in the Upper Market NCD district. The legislation would also change the height and bulk on one lot at the southwest corner of Market and Noe Streets from

50-X to 65-B. Companion legislation would modify the text of Planning Code Sections 721.1 and 733.1 to reflect the change in the area subject to the Upper Market NCD and Upper Market NCT controls.

Background Information

The intent of the legislation is to simplify the zoning along most of the Upper Market area. The two zoning districts are essentially the same except for the differences in residential density controls and there is no longer a planning rationale for the distinction. The height and bulk change for the one corner lot is to allow for higher groundfloor ceiling heights in keeping with good urban design principles.