

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

2

3 **Ordinance amending the Planning Code to establish the Fillmore Street Neighborhood**  
 4 **Commercial District (NCD) along Fillmore Street between Bush and McAllister Streets;**  
 5 **amend various other sections to make conforming and other technical changes;**  
 6 **amending the Zoning Map to add the Fillmore Street NCD; and adopting environmental**  
 7 **findings, Planning Code, Section 302, findings, and findings of consistency with the**  
 8 **General Plan and the Priority Policies of Planning Code, Section 101.1.**

9 NOTE: Additions are *single-underline italics Times New Roman*;  
 10 deletions are ~~*strike-through italics Times New Roman*~~.  
 11 Board amendment additions are double-underlined;  
 12 Board amendment deletions are ~~strikethrough normal~~.  
 13 Ellipses indicate text that is omitted but unchanged.

12

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. 120814 and is incorporated herein by reference.

19

(b) Pursuant to Planning Code Section 302, this Board finds that these Planning Code  
 20 amendments will serve the public necessity, convenience and welfare for the reasons set forth  
 21 in Planning Commission Resolution No. 18907 and the Board hereby incorporates such  
 22 reasons herein by reference. A copy of Planning Commission Resolution No. 18907 is on file  
 23 with the Clerk of the Board of Supervisors in File No. 120814.

24

(c) This Board finds that these Planning Code amendments are consistent with the  
 25 General Plan and with the Priority Policies of Planning Code Section 101.1 for the reasons set

1 forth in Planning Commission Resolution No. 120814, and the Board hereby incorporates  
2 such reasons herein by reference.

3  
4 Section 2. The San Francisco Planning Code is hereby amended by adding Section  
5 744.1, to read as follows:

6 **SEC. 744.1. FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

7 The Fillmore Street Neighborhood Commercial District extends along Fillmore Street between  
8 Bush and McAllister Streets. Fillmore Street's dense mixed-use character consists of buildings with  
9 residential units above ground-story commercial use. Buildings range in height from one-story  
10 commercial buildings to high-rise towers. Fillmore Street and Geary Boulevard are important public  
11 transit corridors. The commercial district provides convenience goods and services to the surrounding  
12 neighborhoods as well as shopping, cultural, and entertainment uses that attract visitors from near and  
13 far.

14 The Fillmore Street Neighborhood Commercial District controls are designed to encourage and  
15 promote development that enhances the walkable, mixed-use character of the corridor and surrounding  
16 neighborhoods. Rear yard requirements at residential levels preserve open space corridors of interior  
17 blocks. Housing development in new buildings is encouraged above the ground story. Existing  
18 residential units are protected by limitations on demolition and upper-story conversions.

19 Consistent with Fillmore Street's existing mixed-use character, new commercial development is  
20 permitted at the ground and second stories. Most neighborhood- and visitor-serving businesses are  
21 strongly encouraged however new Formula Retail uses are prohibited. Eating and Drinking and  
22 entertainment uses are confined to the ground story. The second story may be used by some retail  
23 stores, personal services, and medical, business and professional offices. Parking and hotels are  
24 monitored at all stories. Limits on drive-up facilities and other automobile uses protect the livability  
25 within and around the district, and promote continuous retail frontage.

**SEC. 744. FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT  
ZONING CONTROL TABLE**

			<u>Fillmore Street</u>
<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<b><u>BUILDING STANDARDS</u></b>			
<u>744.10</u>	<u>Height and Bulk Limit</u>	<u>§§ 102.12, 105, 106, 250 - 252, 260, 261.1, 263.20, 270, 271</u>	<u>Generally, 65-X, and 40-X south of Oak Street; see Zoning Map. Height Sculpting on Alleys; § 261.1. Additional 5 feet in height allowed for parcels in the 40-X and 50-X height district with active uses; see § 263.20</u>
<u>744.11</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 sq. ft. &amp; above</u>
<u>744.12</u>	<u>Rear Yard</u>	<u>§§ 130, 134, 136</u>	<u>Required at residential levels § 134(a) and (e)</u>
<u>744.13a</u>	<u>Street Frontage</u>	<u>§ 145.1</u>	<u>Required</u>
<u>744.13b</u>	<u>Street Frontage, Required</u> <u>Ground Floor Commercial</u>	<u>§ 145.1</u>	<u>Required along Fillmore Street from Bush Street to McAllister Street</u>
<u>744.14</u>	<u>Awning</u>	<u>§ 136.1(a)</u>	<u>P</u>
<u>744.15</u>	<u>Canopy</u>	<u>§ 136.1(b)</u>	<u>P</u>

1			
2	<u>744.16</u>	<u>Marquee</u>	<u>§ 136.1(c)</u>
3			<u>P</u>
4	<u>744.17</u>	<u>Streetscape and Pedestrian</u>	<u>§ 138.1</u>
5		<u>Improvements</u>	<u>Required</u>
6	<b><u>COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES</u></b>		
7	<u>744.20</u>	<u>Floor Area Ratio</u>	<u>§§ 102.9, 102.11, 123</u>
8			<u>3.6 to 1</u>
9			<u>§ 124(a) and (b)</u>
10	<u>744.21</u>	<u>Use Size</u>	<u>§ 790.130, § 121.2</u>
11		<u>[Non-Residential]</u>	<u>P up to 5,999 sq. ft.;</u>
12			<u>C 6,000 sq. ft. &amp; above</u>
13	<u>744.22</u>	<u>Off-Street Parking, Non-</u>	<u>§§ 145.1, 150, 151.1, 153</u>
14		<u>residential</u>	<u>- 157, 159 - 160, 204.5</u>
15			<u>None required. Maximum</u>
16			<u>permitted as set forth in</u>
17			<u>Section 151.1</u>
18	<u>744.23</u>	<u>Off-Street Freight Loading</u>	<u>§§ 150, 153 - 155, 204.5,</u>
19			<u>152, 161(b)</u>
20			<u>Generally, none required if</u>
21			<u>gross floor area is less than</u>
22			<u>10,000 sq. ft.</u>
23	<u>744.24</u>	<u>Outdoor Activity Area</u>	<u>§§ 790.70, 145.2(a)</u>
24			<u>P if located in front; C if</u>
25			<u>located elsewhere</u>
	<u>744.25</u>	<u>Drive-Up Facility</u>	<u>§ 790.30</u>
			<u>#</u>
	<u>744.26</u>	<u>Walk-Up Facility</u>	<u>§§ 790.140, 145.2(b)</u>
			<u>P if recessed 3 ft.;</u>
			<u>C if not recessed</u>
	<u>744.27</u>	<u>Hours of Operation</u>	<u>§ 790.48</u>
			<u>No limit</u>

1	<u>744.30</u>	<u>General Advertising Sign</u>	<u>§§ 262, 602 - 604, 608,</u>			
2			<u>609</u>			
3	<u>744.31</u>	<u>Business Sign</u>	<u>§§ 262, 602 - 604,</u>	<u>P</u>		
4			<u>607.1(f)(2), 608, 609</u>			
5	<u>744.32</u>	<u>Other Signs</u>	<u>§§ 262, 602 - 604,</u>	<u>P</u>		
6			<u>607.1(c), (d), and (g),</u>			
7			<u>608, 609</u>			
8				<u>Fillmore Street</u>		
9	<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls by Story</u>		
10			<u>§ 790.118</u>	<u>1st</u>	<u>2nd</u>	<u>3rd+</u>
11	<u>744.38</u>	<u>Residential Conversion</u>	<u>§ 790.84</u>	<u>P</u>	<u>NP</u>	<u>NP</u>
12	<u>744.39</u>	<u>Residential Demolition</u>	<u>§ 790.86</u>	<u>P</u>	<u>C</u>	<u>C</u>
13	<u>Retail Sales and Services</u>					
14	<u>744.40</u>	<u>Other Retail Sales and Services</u>	<u>§ 790.102</u>	<u>P</u>	<u>P</u>	<u>P</u>
15		<u>[Not Listed Below]</u>				
16	<u>744.41</u>	<u>Bar</u>	<u>§ 790.22</u>	<u>P</u>	<u>P</u>	
17	<u>744.43</u>	<u>Limited-Restaurant</u>	<u>§ 790.90</u>	<u>P</u>	<u>P</u>	
18	<u>744.44</u>	<u>Restaurant</u>	<u>§ 790.91</u>	<u>P</u>	<u>P</u>	
19	<u>744.45</u>	<u>Liquor Store</u>	<u>§ 790.55</u>			
20	<u>744.46</u>	<u>Movie Theater</u>	<u>§ 790.64</u>	<u>P</u>	<u>P</u>	
21	<u>744.47</u>	<u>Adult Entertainment</u>	<u>§ 790.36</u>	<u>C</u>	<u>C</u>	
22	<u>744.48</u>	<u>Other Entertainment</u>	<u>§ 790.38</u>	<u>P</u>	<u>P</u>	
23	<u>744.49</u>	<u>Financial Service</u>	<u>§ 790.110</u>	<u>P</u>	<u>P</u>	
24	<u>744.50</u>	<u>Limited Financial Service</u>	<u>§ 790.112</u>	<u>P</u>	<u>P</u>	
25						

1	<u>744.51</u>	<u>Medical Service</u>	<u>§ 790.114</u>	<u>P</u>	<u>P</u>	<u>P</u>
2	<u>744.52</u>	<u>Personal Service</u>	<u>§ 790.116</u>	<u>P</u>	<u>P</u>	
3	<u>744.53</u>	<u>Business or Professional Service</u>	<u>§ 790.108</u>	<u>P</u>	<u>P</u>	<u>P</u>
4	<u>744.54</u>	<u>Massage Establishment</u>	<u>§ 790.60</u>	<u>C</u>	<u>C</u>	
5			<u>§ 1900 Health Code</u>			
6	<u>744.55</u>	<u>Tourist Hotel</u>	<u>§ 790.46</u>	<u>C</u>	<u>C</u>	<u>C</u>
7	<u>744.56</u>	<u>Automobile Parking</u>	<u>§§ 790.8, 145.1, 156, 160</u>	<u>C</u>	<u>C</u>	<u>C</u>
8	<u>744.57</u>	<u>Automotive Gas Station</u>	<u>§ 790.14</u>	<u>C</u>		
9	<u>744.58</u>	<u>Automotive Service Station</u>	<u>§ 790.17</u>	<u>C</u>		
10	<u>744.59</u>	<u>Automotive Repair</u>	<u>§ 790.15</u>	<u>C</u>	<u>C</u>	
11	<u>744.60</u>	<u>Automotive Wash</u>	<u>§ 790.18</u>	<u>C</u>		
12	<u>744.61</u>	<u>Automobile Sale or Rental</u>	<u>§ 790.12</u>	<u>C</u>		
13	<u>744.62</u>	<u>Animal Hospital</u>	<u>§ 790.6</u>	<u>C</u>		
14	<u>744.63</u>	<u>Ambulance Service</u>	<u>§ 790.2</u>	<u>C</u>		
15	<u>744.64</u>	<u>Mortuary</u>	<u>§ 790.62</u>	<u>C</u>	<u>C</u>	<u>C</u>
16	<u>744.65</u>	<u>Trade Shop</u>	<u>§ 790.124</u>	<u>P</u>	<u>C</u>	<u>C</u>
17	<u>744.66</u>	<u>Storage</u>	<u>§ 790.117</u>	<u>C</u>	<u>C</u>	<u>C</u>
18	<u>744.68</u>	<u>Fringe Financial Service</u>	<u>§ 790.111</u>	<u>NP #</u>		
19	<u>744.69</u>	<u>Tobacco Paraphernalia</u>	<u>§ 790.123</u>	<u>C</u>		
20		<u>Establishments</u>				
21	<u>744.69B</u>	<u>Amusement Game Arcade</u>	<u>§ 790.4</u>	<u>C</u>		
22		<u>(Mechanical Amusement Devices)</u>				
23	<u>744.69C</u>	<u>Neighborhood Agriculture</u>	<u>§ 102.35(a)</u>	<u>P</u>	<u>P</u>	<u>P</u>
24	<u>744.69D</u>	<u>Large-Scale Urban Agriculture</u>	<u>§ 102.35(b)</u>	<u>C</u>	<u>C</u>	<u>C</u>

<b><u>Institutions and Non-Retail Sales and Services</u></b>					
744.70	<u>Administrative Service</u>	<u>§ 790.106</u>	<u>C</u>	<u>C</u>	<u>C</u>
744.80	<u>Hospital or Medical Center</u>	<u>§ 790.44</u>	<u>C</u>	<u>C</u>	<u>C</u>
744.81	<u>Other Institutions, Large</u>	<u>§ 790.50</u>	<u>P</u>	<u>P</u>	<u>P</u>
744.82	<u>Other Institutions, Small</u>	<u>§ 790.51</u>	<u>P</u>	<u>P</u>	<u>P</u>
744.83	<u>Public Use</u>	<u>§ 790.80</u>	<u>C</u>	<u>C</u>	<u>C</u>
744.84	<u>Medical Cannabis Dispensary</u>	<u>§ 790.141</u>	<u>P #</u>		
744.85	<u>Philanthropic Administrative Service</u>	<u>§ 790.107</u>		<u>P</u>	
<b><u>RESIDENTIAL STANDARDS AND USES</u></b>					
744.90	<u>Residential Use</u>	<u>§ 790.88</u>	<u>P</u>	<u>P</u>	<u>P</u>
744.91	<u>Residential Density, Dwelling Units</u>	<u>§§ 207, 207.1, 207.4, 790.88(a)</u>	<u>Generally, 1 unit per 600 sq. ft. lot area</u>		
744.92	<u>Residential Density, Group Housing</u>	<u>§§ 207.1, 208, 790.88(b)</u>	<u>Generally, 1 bedroom per 210 sq. ft. lot area</u>		
744.93	<u>Usable Open Space [Per Residential Unit]</u>	<u>§§ 135, 136</u>	<u>Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)</u>		
744.94	<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>		
744.95	<u>Community Residential Parking</u>	<u>§ 790.10</u>	<u>C</u>	<u>C</u>	<u>C</u>

**SPECIFIC PROVISIONS FOR THE FILLMORE STREET  
NEIGHBORHOOD COMMERCIAL DISTRICT**

<u>Article 7 Code Section</u>	<u>Other Code Section</u>	<u>Zoning Controls</u>
§ 744.68	§ 249.35	<p><b><u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u></b></p> <p><i><b>Boundaries:</b> The FFSRUD and its ¼ mile buffer includes, but is not limited to, properties within the Fillmore Street NCD.</i></p> <p><i><b>Controls:</b> 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>
§ 744.84	§ 790.141 <i>Health Code § 3308</i>	<i>Medical Cannabis Dispensaries may only operate between the hours of 8 a.m. and 10 p.m.</i>

Section 3. The San Francisco Planning Code is hereby amended by amending Table 135A, Section 151.1 and a portion of Table 151.1, Section 201, 263.20, Section 303(i), Section 607.1(f), and Section 702.1, to read as follows:

<b>TABLE 135A MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING OUTSIDE THE EASTERN NEIGHBORHOODS MIXED USE DISTRICT</b>		
<b>District</b>	<b>Square Feet Of Usable Open Space Required For Each Dwelling Unit If All Private</b>	<b>Ratio of Common Usable Open Space That May Be Substituted for Private</b>
RH-1(D), RH-1	300	1.33

1	RH-1(S)	300 for first unit; 100 for	1.33
2		minor second unit	
3	RH-2	125	1.33
4			
5	RH-3	100	1.33
6	RM-1, RC-1, RTO, RTO-	100	1.33
7	M		
8	RM-2, RC-2, SPD	80	1.33
9			
10	RM-3, RC-3, RED	60	1.33
11	RM-4, RC-4, RSD	36	1.33
12	C-3, C-M, SLR, SLI, SSO,	36	1.33
13	M-1, M-2		
14	C-1, C-2	Same as for the R District	
15		establishing the dwelling unit	
16		density ratio for the C-1 or C-2	
17		District property	
18			
19	<u>Neighborhood Commercial</u>	<u>See the Zoning Control Table for</u>	<del>1.33</del>
20	<u>General Area Districts,</u>	<u>the District</u>	
21	<u>Neighborhood Commercial</u>	<del>100</del>	
22	<u>Transit Districts, Named</u>		
23	<u>Neighborhood Commercial</u>		
24	<u>General Area Districts, and</u>		
25	<u>Named Neighborhood</u>		

1	<i>Commercial Transit</i>		
2	<i>Districts established in</i>		
3	<i>Article 7 <del>NC-1, NC-2, NCT-</del></i>		
4	<i>1, NCT-2, NC-S, Inner</i>		
5	<i>Sunset, Sacramento Street,</i>		
6	<i>West Portal Avenue, Ocean</i>		
7	<i>Avenue, Glen Park</i>		
8	<i>NC-3, Castro Street, Inner</i>	<i>See the Zoning Control Table for</i>	<i>1.33</i>
9	<i>Clement Street, Outer</i>	<i>the District</i>	
10	<i>Clement Street, Upper</i>	80	
11	<i>Fillmore Street, Haight</i>		
12	<i>Street, Union Street,</i>		
13	<i>Valencia Street, 24th Street-</i>		
14	<i>Mission, 24th Street-Noe</i>		
15	<i>Valley, NCT-3, SoMa,</i>		
16	<i>Mission Street</i>		
17			
18	<i>Broadway, Hayes-Gough,</i>	60	1.33
19	<i>Upper Market Street, North</i>		
20	<i>Beach, Polk Street</i>		
21	<i>Mixed Use Districts</i>	48	1.00
22	<i>established in Article 8</i>		
23	<i>Chinatown Community</i>		
24	<i>Business, Chinatown</i>		
25	<i>Residential Neighborhood</i>		

1	<del>Commercial,</del>	
2	<del>Chinatown Visitor Retail</del>	
3	DTR	This table not applicable. 75 square feet per dwelling. See Sec.
4		135(d)(4).
5		

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

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

12            (b) **Controls.** Off-street accessory parking shall not be required for any use, and the  
13    quantities of off-street parking specified in Table 151.1 shall serve as the maximum amount of  
14    off-street parking that may be provided as accessory to the uses specified. For non-residential  
15    and non-office uses in the UMU, PDR-1-D, and PDR-1-G Districts, the maximum amount of  
16    off-street parking that may be provided as accessory shall be no more than 50% greater than  
17    that indicated in Table 151.1. Variances from accessory off-street parking limits, as described  
18    in this Section, may not be granted. Where off-street parking is provided that exceeds the  
19    quantities specified in Table 151.1 or as explicitly permitted by this Section, such parking shall  
20    be classified not as accessory parking but as either a principally permitted or conditional use,  
21    depending upon the use provisions applicable to the district in which the parking is located. In  
22    considering an application for a conditional use for any such parking due to the amount being  
23    provided, the Planning Commission shall consider the criteria set forth in Section 157 and  
24    157.1 of this Code.

1 (c) **Definition.** Where a number or ratio of spaces are described in Table 151.1, such  
 2 number or ratio shall refer to the total number of parked cars accommodated in the project  
 3 proposal, regardless of the arrangement of parking, and shall include all spaces accessed by  
 4 mechanical means, valet, or non-independently accessible means. For the purposes of  
 5 determining the total number of cars parked, the area of an individual parking space, except  
 6 for those spaces specifically designated for persons with physical disabilities, may not exceed  
 7 185 square feet, including spaces in tandem, or in parking lifts, elevators or other means of  
 8 vertical stacking. Any off-street surface area accessible to motor vehicles with a width of 7.5  
 9 feet and a length of 17 feet (127.5 square feet) not otherwise designated on plans as a  
 10 parking space may be considered and counted as an off-street parking space at the discretion  
 11 of the Zoning Administrator if the Zoning Administrator, in considering the possibility for  
 12 tandem and valet arrangements, determines that such area is likely to be used for parking a  
 13 vehicle on a regular basis and that such area is not necessary for the exclusive purpose of  
 14 vehicular circulation to the parking or loading facilities otherwise permitted.

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

18 **Table 151.1**

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

Use or Activity	Number of Off-Street Car Parking Spaces or Space Devoted to Off-Street Car Parking Permitted
20 * * * 21 Dwelling units and SRO units in NCT, <u>RC</u> , C- 22 M, RSD, <i>and</i> SLR <i>Districts</i> , <i>and Chinatown</i> 23 <i>Mixed Use Districts, and the Broadway, Fillmore</i> 24 25	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

<p>1 <u>Street, North Beach, and the Upper Market NCD</u>  2 <u>Neighborhood Commercial Districts, except as</u>  3 specified below  4 * * *</p>	<p>151.1(g); NP above 0.75 cars for each dwelling unit.</p>
--	---

5 **SEC. 201. CLASSES OF USE DISTRICTS.**

6 In order to carry out the purposes and provisions of this Code, the City is hereby  
7 divided into the following classes of use districts:

<p>8 <b>Public Use <u>(P)</u> Districts <u>(P)</u></b>  9 <i>(Defined in Sec. 234)</i></p>	
<p>11 <b>Residential <u>(R)</u> Districts</b>  12 <i>(Defined in Sec. 206)</i></p>	
<p>14 RH-1(D)</p>	<p>Residential, House Districts, One-Family  (Detached Dwellings) <i>(Defined in Sec. 206.1)</i></p>
<p>16 RH-1</p>	<p>Residential, House Districts, One-Family  <i>(Defined in Sec. 206.1)</i></p>
<p>18 RH-1(S)</p>	<p>Residential, House Districts, One-Family  with Minor Second Unit <i>(Defined in Sec. 206.1)</i></p>
<p>21 RH-2</p>	<p>Residential, House Districts, Two-Family  <i>(Defined in Sec. 206.1)</i></p>
<p>23 RH-3</p>	<p>Residential, House Districts, Three-Family  <i>(Defined in Sec. 206.1)</i></p>

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

RM-1	Residential, Mixed Districts, Low Density <i>(Defined in Sec. 206.1)</i>
RM-2	Residential, Mixed Districts, Moderate Density <i>(Defined in Sec. 206.1)</i>
RM-3	Residential, Mixed Districts, Medium Density <i>(Defined in Sec. 206.3)</i>
RM-4	Residential, Mixed Districts, High Density <i>(Defined in Sec. 206.3)</i>
<b>RTO</b>	<b>Residential, Transit-Oriented Neighborhood Districts</b> <i>(Defined in Sec. 206.4)</i>
RTO-M	Residential, Transit-Oriented – Mission Neighborhood Districts <i>(Defined in Sec. 206.5)</i>
<b>Residential-Commercial Districts (RC)</b>	
RC-3	Residential-Commercial Districts, Medium Density <i>(Defined in Sec. 206.3)</i>
RC-4	Residential-Commercial Districts, High Density <i>(Defined in Sec. 206.4)</i>
<b>Neighborhood Commercial Districts (NC)</b> <b>(Also see Article 7)</b> <b>General Area <u>Neighborhood Commercial</u> Districts</b> <i>(Defined in Sec. 702.1)</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

NC-1	Neighborhood Commercial Cluster District <i>(Defined in Sec. 710.1)</i>
NC-2	Small-Scale Neighborhood Commercial District <i>(Defined in Sec. 711.1)</i>
NC-3	Moderate-Scale Neighborhood Commercial District <i>(Defined in Sec. 712.1)</i>
NC-S	Neighborhood Commercial Shopping Center District <i>(Defined in Sec. 713.1)</i>
<b><u>Named Neighborhood Commercial Individual Area Districts</u></b>	
Broadway Neighborhood Commercial District <i>(Defined in Sec. 714.1)</i>	
Castro Street Neighborhood Commercial District <i>(Defined in Sec. 715.1)</i>	
Inner Clement Street Neighborhood Commercial District <i>(Defined in Sec. 716.1)</i>	
Outer Clement Street Neighborhood Commercial District <i>(Defined in Sec. 717.1)</i>	
Upper Fillmore Street Neighborhood Commercial District <i>(Defined in Sec. 718.1)</i>	
Haight Street Neighborhood Commercial District <i>(Defined in Sec. 719.1)</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

Inner Sunset Neighborhood Commercial District ( <u>Defined in Sec. 730.1</u> )
Upper Market Street Neighborhood Commercial District ( <u>Defined in Sec. 721.1</u> )
North Beach Neighborhood Commercial District ( <u>Defined in Sec. 722.1</u> )
Pacific Avenue Neighborhood Commercial District ( <u>Defined in Sec. 723.1</u> )
Polk Street Neighborhood Commercial District ( <u>Defined in Sec. 723.1</u> )
Sacramento Street Neighborhood Commercial District ( <u>Defined in Sec. 724.1</u> )
Union Street Neighborhood Commercial District ( <u>Defined in Sec. 725.1</u> )
24th Street-Noe Valley Neighborhood Commercial District ( <u>Defined in Sec. 728.1</u> )
West Portal Avenue Neighborhood Commercial District ( <u>Defined in Sec. 729.1</u> )
<u>Noriega Street Neighborhood Commercial District (Defined in Sec. 739.1)</u>
<u>Irving Street Neighborhood Commercial District (Defined in Sec. 740.1)</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>Taraval Street Neighborhood Commercial District (Defined in Sec. 741.1)</i>	
<i>Judah Street Neighborhood Commercial District (Defined in Sec. 742.1)</i>	
<i>Fillmore Street Neighborhood Commercial District (Defined in Sec. 744.1)</i>	
<b>Neighborhood Commercial Transit Districts (NCT)</b> <i>(Defined in Sec. 702.1)</i>	
NCT-1	Neighborhood Commercial Transit Cluster District <i>(Defined in Sec. 733A.1)</i>
NCT-2	Small-Scale Neighborhood Commercial Transit District <i>(Defined in Sec. 734.1)</i>
NCT-3	Moderate Scale Neighborhood Commercial Transit District <i>(Defined in Sec. 731.1)</i>
<b><i>Individual Area Named Neighborhood Commercial Transit (NCT) Districts (Defined in Sec. 702.1)</i></b>	
<i>Hayes-Gough NCT (Defined in Sec. 720.1)</i>	
<i>Upper Market Street NCT (Defined in Sec. 733.1)</i>	
<i>Valencia Street NCT (Defined in Sec. 726.1)</i>	
<i>24th Street - Mission NCT (Defined in Sec. 727.1)</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

Mission Street NCT ( <i>Defined in Sec. 736.1</i> )
SoMa NCT ( <i>Defined in Sec. 735.1</i> )
Ocean Avenue NCT ( <i>Defined in Sec. 737.1</i> )
Glen Park NCT ( <i>Defined in Sec. 738.1</i> )
<b>Neighborhood Commercial Special Use Districts</b> ( <i>Defined in Sec. 702.2</i> )
Lakeshore Plaza Special Use District ( <i>Defined in Sec. 780.2</i> )
Bayshore-Hester Special Use District ( <i>Defined in Sec. 780.2</i> )
<del>North Beach Special Use District (<i>Defined in Sec. 780.3</i>)</del>
Mission-Harrington Special Use District ( <i>Defined in Sec. 780.4</i> )
<del>North Beach Special Use District</del>
1800 Market Community Center Project Special Use District ( <i>Defined in Sec. 787</i> )
<b>Neighborhood Commercial Restricted Use Districts <u>and</u> Subdistricts</b> ( <i>Defined in Sec. 781</i> )
Taraval Street Restaurant Subdistrict ( <i>Defined in Sec. 781.1</i> )
Irving Street Restaurant Subdistrict ( <i>Defined in Sec. 781.2</i> )
Geary Boulevard Formula Retail Pet Supply Store and Formula Retail Eating and Drinking Subdistrict ( <i>Defined in Sec. 781.4</i> )
Mission Street Formula Retail Restaurant Subdistrict ( <i>Defined in</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>Sec. 781.5)</u>
North Beach Financial Service, Limited Financial Service, and Business or Professional Service Subdistrict ( <u>Defined in Sec. 781.6)</u>
Chestnut Street Financial Subdistrict ( <u>Defined in Sec. 781.7)</u>
<u>Mission Alcoholic Beverage Special Use Subdistrict (Defined in Sec. 781.8)</u>
<u>Haight Street Alcohol Special Use Subdistrict (Defined in Sec. 781.9)</u>
<u>17th and Rhode Island Street Grocery Store Special Use Subdistrict (Defined in Sec. 781.10)</u>
Third Street Alcohol Restricted Use District ( <u>Defined in Sec. 782)</u>
Divisadero Street Alcohol Restricted Use District ( <u>Defined in Sec. 783)</u>
Lower Haight Street Alcohol Restricted Use District ( <u>Defined in Sec. 784)</u>
Excelsior Alcohol Restricted Use District ( <u>Defined in Sec. 785)</u>
<del>Lower Haight Street Tobacco Paraphernalia Restricted Use District</del>
Fringe Financial Service Restricted Use District ( <u>Defined in Sec. 249.35)</u>
Commercial ( <u>C</u> ) Districts ( <del>C</del> )

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

C-2	Community Business Districts <i>(Defined in Sec. 210.2)</i>
C-M	Heavy Commercial Districts <i>(Defined in Sec. 210.4)</i>
C-3-O	Downtown Office District <i>(Defined in Sec. 210.3)</i>
C-3-O(SD)	Downtown Office Special Development District <i>(Defined in Sec. 210.3)</i>
C-3-R	Downtown Retail District <i>(Defined in Sec. 210.3)</i>
C-3-G	Downtown General Commercial District <i>(Defined in Sec. 210.3)</i>
C-3-S	Downtown Support District <i>(Defined in Sec. 210.3)</i>
<b>Industrial Districts</b> <i>(Defined in Sec. 210 and Sec. 802.4)</i>	
M-1	Light Industrial Districts <i>(Defined in Sec. 210.5)</i>
M-2	Heavy Industrial Districts <i>(Defined in Sec. 210.6)</i>
<b><i>Production Distribution Repair (PDR) Districts</i></b> <i>(Defined in Sec. 210.7)</i>	
PDR-1-B	Production Distribution and Repair - Light Industrial Buffer <i>(Defined in Sec. 210.8)</i>
PDR-1-D	Production Distribution and Repair – Design <i>(Defined in Sec. 210.9)</i>
PDR-1-G	Production Distribution and Repair – General <i>(Defined in Sec. 210.10)</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

PDR-2	Core Production Distribution and Repair – Bayview ( <i>Defined in Sec. 210.11</i> )
<b>Chinatown Mixed Use Districts</b> (Also see <i>Article 8 Sec. 802.3</i> )	
CCB	Chinatown Community Business District ( <i>Defined in Sec. 810.1</i> )
CR/NC	Chinatown Residential/Neighborhood Commercial District ( <i>Defined in Sec. 812.1</i> )
CVR	Chinatown Visitor Retail District ( <i>Defined in Sec. 811.1</i> )
<b>South of Market Use Mixed Use Districts</b> (Also see <i>Article 8 Sec. 802.5</i> )	
RED	Residential Enclave Districts ( <i>Defined in Sec. 813</i> )
RSD	Residential Service District ( <i>Defined in Sec. 815</i> )
SLR	Service/Light Industrial/Residential District ( <i>Defined in Sec. 816</i> )
SLI	Service/Light Industrial District ( <i>Defined in Sec. 817</i> )
SSO	Service/Secondary Office District ( <i>Defined in Sec. 818</i> )
<b>Eastern Neighborhoods Mixed Use Districts</b>	

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

<b>(Also see <i>Article 8 Sec. 802.4</i>)</b>	
SPD	South Park District <i>(Defined in Sec. 814)</i>
MUG	Mixed Use – General <i>(Defined in Sec. 840)</i>
MUO	Mixed Use – Office <i>(Defined in Sec. 842)</i>
MUR	Mixed Use – Residential <i>(Defined in Sec. 841)</i>
UMU	Urban Mixed Use <i>(Defined in Sec. 843)</i>
<b>Downtown Residential (<i>DTR</i>) Districts (<i>DTR</i>)</b>	
<b>(Also see <i>Article 8 Sec. 802.6</i>)</b>	
RH-DTR	Rincon Hill Downtown Residential <i>(Defined in Sec. 827)</i>
SB-DTR	South Beach Downtown Residential <i>(Defined in Sec. 829)</i>
TB-DTR	Transbay Downtown Residential District <i>(Defined in Sec. 828)</i>
<b>Mission Bay Districts (MB)</b>	
<b>(Also see <i>Article 9 Sec. 902</i>)</b>	
MB-R-1	Mission Bay Lower Density Residential District <i>(Defined in Sec. 906)</i>
MB-R-2	Mission Bay Moderate Density Residential District <i>(Defined in Sec. 907)</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

MB-R-3	Mission Bay High Density Residential District <i>(Defined in Sec. 908)</i>
MB-NC-2	Mission Bay Small Scale Neighborhood Commercial District <i>(Defined in Sec. 909)</i>
MB-NC-3	Mission Bay Moderate Scale Neighborhood Commercial District <i>(Defined in Sec. 910)</i>
MB-NC-S	Mission Bay Neighborhood Commercial Shopping Center District <i>(Defined in Sec. 911)</i>
MB-O	Mission Bay Office District <i>(Defined in Sec. 912)</i>
MB-CI	Mission Bay Commercial-Industrial District <i>(Defined in Sec. 913)</i>
MB-H	Mission Bay Hotel District <i>(Defined in Sec. 914)</i>
MB-CF	Mission Bay Community Facilities District <i>(Defined in Sec. 915)</i>
MB-OS	Mission Bay Open Space District <i>(Defined in Sec. 916)</i>
<b>Parkmerced Districts</b> <b>(Also see Section 249.64)</b>	
PM-R	Parkmerced Residential District <i>(Defined in Sec. 249.64(b)(2)(i)</i>
PM-MU1	<i>Parkmerced Mixed Use - Social Heart District</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

	<i>(Defined in Sec. 249.64(b)(2)(ii))</i>
PM-MU2	Parkmerced Mixed Use - Neighborhood Commons <i>(Defined in Sec. 249.64(b)(2)(iii))</i>
PM-S	Parkmerced School District <i>(Defined in Sec. 249.64(b)(2)(iv))</i>
PM-CF	Parkmerced Community/Fitness District <i>(Defined in Sec. 249.64(b)(2)(v))</i>
PM-OS	Parkmerced Open Space District <i>(Defined in Sec. 249.64(b)(2)(vi))</i>
<b>Treasure Island and Yerba Buena Island Districts</b> <b>(Also see Section 249.52)</b>	
TI-R	Treasure Island-Residential <i>(Defined in Sec. 249.52)</i>
TI-MU	Treasure Island-Mixed Use <i>(Defined in Sec. 249.52)</i>
TI-OS	Treasure Island-Open Space <i>(Defined in Sec. 249.52)</i>
TI-PCI	Treasure Island-Public/Civic/Institutional <i>(Defined in Sec. 249.52)</i>
YBI-R	Yerba Buena Island-Residential <i>(Defined in Sec. 249.52)</i>

1	YBI-MU	Yerba Buena Island-Mixed Use <i>(Defined in Sec. 249.52)</i>
2		
3	YBI-OS	Yerba Buena Island-Open Space <i>(Defined in Sec. 249.52)</i>
4		
5	YBI-PCI	Yerba Buena Island-Public/Civic/Institutional
6		<i>(Defined in Sec. 249.52)</i>
7		

8           \* \* \*

9       **SEC. 263.0. SPECIAL HEIGHT EXCEPTION: ADDITIONAL FIVE FEET HEIGHT FOR**  
10      **ACTIVE GROUND FLOOR USES IN CERTAIN DISTRICTS.**

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

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

- 21                   (1) project is located in a 30-X, 40-X or 50-X Height and Bulk District as
- 22      designated on the Zoning Map;
- 23                   (2) project is located:
- 24                           (A) in an NCT district as designated on the Zoning Map;

1 (B) in the Upper Market Street, 24<sup>th</sup> Street – Noe Valley, Castro Street,  
2 Upper Market Street, Fillmore Street, Irving Street, Judah Street, Noriega Street, Taraval Street,  
3 Inner Clement Street and Outer Clement Street NCDs;

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

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

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

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

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

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

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

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

23 (3) project features ground floor commercial space or other active use as  
24 defined by Section 145.1(b)(2) with clear ceiling heights in excess of ten feet from sidewalk  
25

1 grade, or in the case of residential uses, such walk-up residential units are raised up from  
2 sidewalk level;

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

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

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

10 (c) One additional foot of height, up to a total of five feet, shall be permitted above the  
11 designated height limit for each additional foot of ground floor clear ceiling height in excess of  
12 10 feet from sidewalk grade, or in the case of residential units, for each foot the unit is raised  
13 above sidewalk grade.

14 \* \* \* (Diagram not shown but not to be deleted.)

15 **SEC. 303. CONDITIONAL USES.**

16 \* \* \*

17 (i) **Formula Retail Uses.**

18 (1) **Formula Retail Use.** A formula retail use is hereby defined as a type of retail  
19 sales activity or retail sales establishment which has eleven or more other retail sales  
20 establishments located in the United States. In addition to the eleven establishments, the  
21 business maintains two or more of the following features: a standardized array of  
22 merchandise, a standardized facade, a standardized decor and color scheme, a uniform  
23 apparel, standardized signage, a trademark or a servicemark.

24 (A) Standardized array of merchandise shall be defined as 50% or more  
25 of in-stock merchandise from a single distributor bearing uniform markings.

1 (B) Trademark shall be defined as a word, phrase, symbol or design, or a  
2 combination of words, phrases, symbols or designs that identifies and distinguishes the  
3 source of the goods from one party from those of others.

4 (C) Servicemark shall be defined as word, phrase, symbol or design, or a  
5 combination of words, phrases, symbols or designs that identifies and distinguishes the  
6 source of a service from one party from those of others.

7 (D) Decor shall be defined as the style of interior furnishings, which may  
8 include but is not limited to, style of furniture, wall coverings or permanent fixtures.

9 (E) Color Scheme shall be defined as selection of colors used throughout,  
10 such as on the furnishings, permanent fixtures, and wall coverings, or as used on the facade.

11 ~~(F)~~ Facade shall be defined as the face or front of a building, including  
12 awnings, looking onto a street or an open space.

13 ~~(G)~~ Uniform Apparel shall be defined as standardized items of clothing  
14 including but not limited to standardized aprons, pants, shirts, smocks or dresses, hat, and  
15 pins (other than name tags) as well as standardized colors of clothing.

16 ~~(H)~~ Signage shall be defined as business sign pursuant to Section  
17 602.3 of the Planning Code.

18 (2) "**Retail Sales Activity or Retail Sales Establishment.**" For the purposes of  
19 subsection (i), a retail sales activity or retail sales establishment shall include the following  
20 uses, as defined in Article 7 and Article 8 of this Code: "Bar," "Drive-up Facility," "Eating and  
21 Drinking Use," "Liquor Store," "Sales and Service, Other Retail," "Restaurant," "Limited-  
22 Restaurant," "Take-Out Food," "Sales and Service, Retail," "Service, Financial," "Movie  
23 Theater," and "Amusement and Game Arcade."  
24  
25

1                   (3) **Conditional Use Criteria.** With regard to a conditional use authorization  
2 application for a formula retail use, the Planning Commission shall consider, in addition to the  
3 criteria set forth in Subsection (c) above:

4                   (A) The existing concentrations of formula retail uses within the district.

5                   (B) The availability of other similar retail uses within the district.

6                   (C) The compatibility of the proposed formula retail use with the existing  
7 architectural and aesthetic character of the district.

8                   (D) The existing retail vacancy rates within the district.

9                   (E) The existing mix of Citywide-serving retail uses and neighborhood-  
10 serving retail uses within the district.

11                   (4) **Conditional Use Authorization Required.** A Conditional Use Authorization  
12 shall be required for a formula retail use in the following zoning districts unless explicitly  
13 exempted:

14                   (A) All Neighborhood Commercial Districts in Article 7;

15                   (B) All Mixed Use-General Districts in ~~Article 8~~ Section 843;

16                   (C) All Urban Mixed Use Districts in Article 8;

17                   ~~(D) RC-3 and RC-4 zoned parcels along Van Ness Avenue;~~

18                   (D) All Residential-Commercial Districts as defined in Section 206.3;

19                   (E) Japantown Special Use District as defined in Section 249.31;

20                   (F) Chinatown Community Business District as defined in Section ~~810~~  
21 810.1;

22                   (G) Chinatown Residential/Neighborhood Commercial District as defined  
23 in ~~812~~ 812.1;

24                   (H) Western SoMa Planning Area Special Use District as defined in ~~802.5~~  
25 823;

1 (I) Residential Transit-Oriented Districts as defined in 206.4 and 206.5;

2 (J) Limited Conforming Use/Non-Conforming Use in RH-RM-RTO and RED

3 Districts.

4 (5) **Formula Retail Uses Not Permitted.** Formula Retail Uses are not permitted  
5 in the following zoning districts:

6 (A) Hayes-Gough Neighborhood Commercial Transit District;

7 (B) North Beach Neighborhood Commercial District;

8 (C) Chinatown Visitor Retail District;

9 (D) Upper Fillmore District does not permit Formula Retail uses which are also  
10 Restaurant or Limited-Restaurant uses as defined in Section 790.90 and 790.91;

11 (E) Broadway-Neighborhood Commercial District does not permit Formula  
12 Retail uses which are also Restaurant or Limited-Restaurant uses as defined in Section 790.90 and  
13 790.91;

14 (F) Mission Street Formula Retail Restaurant Subdistrict does not permit  
15 Formula Retail uses which are also Restaurant or Limited-Restaurant uses as defined in Section 790.90  
16 and 790.91;

17 (G) Geary Boulevard Formula Retail Pet Supply Store and Formula Retail  
18 Eating and Drinking Subdistrict does not permit Formula Retail uses that are also either a Retail Pet  
19 Supply Store or an Eating and Drinking use as set forth in Section 790.4;

20 (H) Mission Street Formula Retail Restaurant Subdistrict does not permit  
21 Formula Retail uses which are also Restaurant or Limited-Restaurant uses as defined in Section 790.90  
22 and 790.91;

23 (I) Fillmore Street Neighborhood Commercial District.

24 (6) **Neighborhood Commercial Notification and Design Review.** Any building  
25 permit application for a "formula retail use" as defined in this section and located within a

1 Neighborhood Commercial District in Article 7 shall be subject to the Neighborhood  
2 Commercial Notification and Design Review Procedures of Section 312 of this Code.

3 (7) **Change in Use.** A change from one formula retail use to another requires a  
4 new Conditional Use Authorization, whether or not a Conditional Use Authorization would  
5 otherwise be required by the particular change in use in question. This Conditional Use  
6 Authorization requirement also applies in changes from one Formula Retail operator to  
7 another within the same use category. A new Conditional Use Authorization shall not apply to  
8 a change in a formula use retailer that meets the following criteria:

9 (A) the formula use operation remains the same in terms of its size,  
10 function and general merchandise offering as determined by the Zoning Administrator, and

11 (B) the change in the formula retail use operator is the result of the  
12 business being purchased by another formula retail operator who will retain all components of  
13 the existing retailer and make minor alterations to the establishment(s) such as signage and  
14 branding.

15 The new operator shall comply with all conditions of approval previously imposed on  
16 the existing operator, including but not limited to signage programs and hours of operation;  
17 and shall conduct the operation generally in the same manner and offer essentially the same  
18 services and/or type of merchandise; or seek and be granted a new Conditional Use  
19 Authorization.

20 (8) **Determination of Formula Retail Use.** In those areas in which "formula  
21 retail uses" are prohibited, any building permit application determined by the City to be for a  
22 "formula retail use" that does not identify the use as a "formula retail use" is incomplete and  
23 cannot be processed until the omission is corrected. Any building permit approved that is  
24 determined by the City to have been, at the time of application, for a "formula retail use" that  
25 did not identify the use as a "formula retail use" is subject to revocation at any time. If the City

1 determines that a building permit application or building permit subject to this Section of the  
2 Code is for a "formula retail use," the building permit application or holder bears the burden of  
3 proving to the City that the proposed or existing use is not a "formula retail use."

4 \* \* \*

5 **SEC. 607.1. NEIGHBORHOOD COMMERCIAL AND RESIDENTIAL-COMMERCIAL**  
6 **DISTRICTS.**

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

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

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

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

20 (C) **Projecting Signs.** The number of projecting signs shall not exceed  
21 one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 24  
22 square feet. The height of such sign shall not exceed 15 feet or the height of the wall to which  
23 it is attached. No part of the sign shall project more than 75 percent of the horizontal distance  
24 from the street property line to the curblineline, or six feet six inches, whichever is less. The sign  
25

1 may be nonilluminated or indirectly illuminated, or during business hours, may be directly  
2 illuminated.

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

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

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

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

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

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

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

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

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

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

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

7 (C) **Projecting Signs.** The number of projecting signs shall not exceed  
8 one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 32  
9 square feet. The height of the sign shall not exceed 24 feet, or the height of the wall to which it  
10 is attached, or the height of the lowest of any residential windowsill on the wall to which the  
11 sign is attached, whichever is lower. No part of the sign shall project more than 75 percent of  
12 the 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  
15 on permitted awnings or marquees in lieu of projecting signs. The area of such sign copy, as  
16 defined in Section 602.1(c), shall not exceed 40 square feet. Such sign copy may be  
17 nonilluminated or indirectly illuminated; except that sign copy on marquees for movie theaters  
18 or places of entertainment may be directly illuminated during business hours.

19 (E) **Freestanding Signs and Sign Towers.** With the exception of  
20 automotive gas and service stations, which are regulated under Paragraph 607.1(f)(4) of this  
21 Code, one freestanding sign or sign tower per lot shall be permitted in lieu of a projecting sign  
22 if the 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  
5 automotive gas and service stations in Neighborhood Commercial Districts, only the following  
6 signs are permitted, subject to the standards in this Paragraph (f)(4) and to all other standards  
7 in this Section 607.1.

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

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

20 **SEC. 702.1. NEIGHBORHOOD COMMERCIAL USE DISTRICTS.**

21 (a) The following districts are established for the purpose of implementing the  
22 Commerce and Industry element and other elements of the General Plan, according to the  
23 objective and policies stated therein. Description and Purpose Statements outline the main  
24 functions of each Neighborhood Commercial (NC) District in the Zoning Plan for San  
25 Francisco, supplementing the statements of purpose contained in Section 101 of this Code.

1 The description and purpose statements and land use controls applicable to each of  
 2 the general and individual area districts are set forth in *Sections 710.1 through 784* of this Code  
 3 for each district class. The boundaries of the various Neighborhood Commercial Districts are  
 4 shown on the Zoning Map referred to in Sections 105 and 106 of this Code, subject to the  
 5 provisions of that Section.

<b>Neighborhood Commercial General Area Districts</b>	<b>Section Number</b>
NC-1 - Neighborhood Commercial Cluster District	§ 710
NC-2 - Small-Scale Neighborhood Commercial District	§ 711
NC-3 - Moderate-Scale Neighborhood Commercial District	§ 712
NC-S - Neighborhood Commercial Shopping Center District	§ 713
<i>NCT-1 Neighborhood Commercial Transit Cluster District</i>	§ 733A
<i>NCT-2 Small Scale Neighborhood Commercial Transit District</i>	§ 734
<i>NCT-3 – Moderate Scale Neighborhood Commercial Transit District</i>	§ 731
<b><u>Named</u> Neighborhood Commercial <i>Individual Area</i> Districts</b>	<b>Section Number</b>
Broadway Neighborhood Commercial District	§ 714
Castro Street Neighborhood Commercial District	§ 715
Inner Clement Street Neighborhood Commercial District	§ 716
Outer Clement Street Neighborhood Commercial District	§ 717
Upper Fillmore Street Neighborhood Commercial District	§ 718
Haight Street Neighborhood Commercial District	§ 719
<i>Hayes-Gough Neighborhood Commercial Transit District</i>	§ 720
Upper Market Street Neighborhood Commercial District	§ 721
North Beach Neighborhood Commercial District	§ 722
Polk Street Neighborhood Commercial District	§ 723
Sacramento Street Neighborhood Commercial District	§ 724
Union Street Neighborhood Commercial District	§ 725

1	<i>Valencia Street Neighborhood Commercial District</i>	§ 726
2	<i>24th Street Mission Neighborhood Commercial District</i>	§ 727
3	24th Street-Noe Valley Neighborhood Commercial District	§ 728
4	West Portal Avenue Neighborhood Commercial District	§ 729
5	Inner Sunset Neighborhood Commercial District	§ 730
6	<i>Upper Market Street Neighborhood Commercial Transit District</i>	§ 732
7	<i>SoMa Neighborhood Commercial Transit District</i>	§ 735
8	<i>Mission Street Neighborhood Commercial Transit District</i>	§ 736
9	<i>Ocean Avenue Neighborhood Commercial Transit District</i>	§ 737
10	<i>Noriega Street Neighborhood Commercial District</i>	§ 739.1
11	<i>Irving Street Neighborhood Commercial District</i>	§ 735 § 740.1
12	<i>Taraval Street Neighborhood Commercial District</i>	§ 736 § 741.1
13	<i>Judah Street Neighborhood Commercial District</i>	§ 737 § 742.1
14	<i>Fillmore Street Neighborhood Commercial District</i>	§ 744.1

(b) The following districts are Neighborhood Commercial Transit (NCT) Districts, including both general area districts and individual area districts identified by street or area name. These districts are a subset of the Neighborhood Commercial (NC) Districts.

<i>Neighborhood Commercial Transit Districts</i>	<i>Section Number</i>
<i>Hayes Gough Neighborhood Commercial Transit District</i>	§ 720
<i>Valencia Street Neighborhood Commercial Transit District</i>	§ 726
<i>24th Street – Mission Neighborhood Commercial Transit District</i>	§ 727
<i>NCT-3 – Moderate Scale Neighborhood Commercial Transit District</i>	§ 731
<i>Upper Market Street Neighborhood Commercial Transit District</i>	§ 732

<i>NCT-1 Neighborhood Commercial Transit Cluster District</i>	<i>§ 733A</i>
<i>NCT-2 Small Scale Neighborhood Commercial Transit District</i>	<i>§ 734</i>
<i>SoMa Neighborhood Commercial Transit District</i>	<i>§ 735</i>
<i>Mission Street Neighborhood Commercial Transit District</i>	<i>§ 736</i>
<i>Ocean Avenue Neighborhood Commercial Transit District</i>	<i>§ 737</i>
<i>Glen Park Neighborhood Commercial Transit District</i>	<i>§ 738</i>

<b><u>Neighborhood Commercial Transit Districts</u></b>	<b><u>Section Number</u></b>
<i>NCT-1 Neighborhood Commercial Transit Cluster District</i>	<i>§ 733A</i>
<i>NCT-2 Small Scale Neighborhood Commercial Transit District</i>	<i>§ 734</i>
<i>NCT-3 - Moderate-Scale Neighborhood Commercial Transit District</i>	<i>§ 731</i>
<b><u>Named Neighborhood Commercial Transit (NCT) Districts</u></b>	<b><u>702.1</u></b>
<i>Hayes-Gough Neighborhood Commercial Transit District</i>	<i>§ 720</i>
<i>Valencia Street Neighborhood Commercial Transit District</i>	<i>§ 726</i>
<i>24th Street - Mission Neighborhood Commercial Transit District</i>	<i>§ 727</i>
<i>Upper Market Street Neighborhood Commercial Transit District</i>	<i>§ 732</i>
<i>SoMa Neighborhood Commercial Transit District</i>	<i>§ 735</i>
<i>Mission Street Neighborhood Commercial Transit District</i>	<i>§ 736</i>
<i>Ocean Avenue Neighborhood Commercial Transit District</i>	<i>§ 737</i>
<i>Glen Park Neighborhood Commercial Transit District</i>	<i>§ 738</i>

NCT Districts are transit-oriented moderate- to high-density mixed-use neighborhoods of varying scale concentrated near transit services. The NCT Districts are mixed use districts that support neighborhood-serving commercial uses on lower floors and housing above.

These districts are well-served by public transit and aim to maximize residential and

1 commercial opportunities on or near major transit services. The district's form can be either  
 2 linear along transit-priority corridors, concentric around transit stations, or broader areas  
 3 where transit services criss-cross the neighborhood. Housing density is limited not by lot area,  
 4 but by the regulations on the built envelope of buildings, including height, bulk, setbacks, and  
 5 lot coverage, and standards for residential uses, including open space and exposure, and  
 6 urban design guidelines. Residential parking is not required and generally limited. Commercial  
 7 establishments are discouraged or prohibited from building accessory off-street parking in  
 8 order to preserve the pedestrian-oriented character of the district and prevent attracting auto  
 9 traffic. There are prohibitions on access (i.e. driveways, garage entries) to off-street parking  
 10 and loading on critical stretches of commercial and transit streets to preserve and enhance the  
 11 pedestrian-oriented character and transit function.

12 Section 4. Sheets ZN02 and ZN07 of the Zoning Map of the City and County of San  
 13 Francisco are hereby amended, as follows:

<u>Description of Property</u>	<u>Use District to be Superseded</u>	<u>Use District Hereby Approved</u>
All parcels zoned NC-3 on Blocks 0677, 0678, 0683, 0684, 0702, 0707, 0708, 0725, 0726, 0731, 0732, 0749, 0750, 0755, 0756, and 0774;	NC-3	Fillmore Street Neighborhood Commercial District

22 Section 5. Effective Date. This Ordinance shall become effective 30 days from the  
 23 date of passage.

24  
 25

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

6  
7 APPROVED AS TO FORM:  
8 DENNIS J. HERRERA, City Attorney

9 By: \_\_\_\_\_  
10 JUDITH A. BOYAJIAN  
Deputy City Attorney

11 n:\legana\as2012\1200576\00827221.doc