

1 [Planning Code - Fulton Street Grocery Store Special Use District]

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3 **Ordinance amending the Planning Code, Section 249.35A, to allow a grocery store that**
4 **may be defined as a formula retail use; making environmental findings, and findings of**
5 **consistency with the General Plan, and the eight priority policies of Planning Code,**
6 **Section 101.1.**

7 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.
9 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
10 **Board amendment additions** are in double-underlined Arial font.
11 **Board amendment deletions** are in ~~strikethrough Arial font~~.
12 **Asterisks (* * * *)** indicate the omission of unchanged Code
13 subsections or parts of tables.

11

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

13

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 Sections 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, this Board finds that this Planning Code
20 Amendment will serve the public necessity, convenience, and welfare for the reasons set forth
21 in Planning Commission Resolution No. 18990 and the Board incorporates such reasons
22 herein by reference. A copy of Planning Commission Resolution No. 18990 is on file with the
23 Board of Supervisors in File No. _____.

24 (c) On September 26, 2013, the Planning Commission, in Resolution No. 18990,
25 adopted findings that the actions contemplated in this ordinance are consistent, on balance,

1 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
2 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
3 the Board of Supervisors in File No. _____, and is incorporated herein by reference.

4 Section 2. The Planning Code is hereby amended by revising Section 249.35A to read
5 as follows:

6 SEC. 249.35A. FULTON STREET GROCERY STORE SPECIAL USE DISTRICT

7 (a) **Purpose.** In order to provide for the consideration of a neighborhood-serving
8 grocery store of moderate size in a location accessible to the Hayes Valley and Western
9 Addition neighborhoods, there shall be a Fulton Street Grocery Store Special Use District,
10 consisting of Lots 001, 015 and 028 of Assessor's Block 0794 as designated on Sectional
11 Map 2SU of the Zoning Map. This Special Use District would enable the consideration of a
12 project containing a grocery store in a district that does not permit such uses and of a building
13 height not permitted by the established height limitations in the surrounding NCT district.

14 (b) **Definition.** ~~s.~~ ~~(+)~~ "Grocery Store" shall mean a retail use ~~which~~ that provides fresh
15 produce and other unprepared perishable food products (such as dairy, fish, grains), in
16 addition to other general groceries, personal items, household goods and similar goods.

17 (c) **Application.** This special use district shall apply only to projects that meet all of the
18 following standards:

- 19 (1) Project is mixed-use, with both commercial and residential uses;
- 20 (2) Commercial uses include a grocery store larger than 15,000 square feet of
21 gross occupied floor area; and
- 22 (3) Residential uses achieve a density of not less than 1 unit per 600 square
23 feet of lot area

1 (d) **Controls.** The following controls apply to projects meeting the criteria of subsection
2 (c) and to any subsequent alterations or changes of use in a building approved under this
3 Section 249.35A.

4 (1) The controls of the Hayes-Gough NCT apply in their entirety, except as
5 specified in this Section.

6 (2) A grocery store may be permitted as a formula retail use, as defined in Section
7 703.3(b), through Conditional Use Authorization pursuant to Section 303. All other formula retail uses
8 shall be prohibited.

9 ~~(2) Any commercial uses in addition to the grocery store may not exceed 3,000 square~~
10 ~~feet of occupied floor area per use.~~

11 (3) Accessory off-street parking shall not be permitted for any commercial use
12 except the grocery store.

13 (4) All subsequent changes of use shall require Conditional Use authorization
14 from the Planning Commission. The only non-residential uses ~~which~~ that may be permitted in
15 the space initially approved for a grocery store shall include Trade Shop (Planning Code section
16 790.124), Other Institutions, Large (Planning Code section 790.50), Other Institutions, Small
17 (Planning Code section 790.51), and Public Use (Planning Code section 790.80), except that
18 Other Retail Sales and Services (Planning Code section 790.102) may be permitted provided
19 that no individual tenant occupies more than 3,000 square feet of gross floor area.

20 (5) Signs shall be subject to the requirements of Article 6 of this Code, except that
21 allowable business signs for the grocery store shall be limited to the following:

22 (A) Window Signs. The total area of all window signs, as set forth in Section
23 602.1(b), shall not exceed 10% of the area of the window on or in which the signs are located. Such
24 signs may be nonilluminated.

1 (B) Wall Signs. The area of all wall signs shall not exceed 40 square feet on the
2 Fulton Street frontage occupied by the use, and 40 square feet on the Laguna Street frontage occupied
3 by the use. The height of any wall sign shall not exceed 24 feet, or the height of the wall to which it is
4 attached, or the height of the lowest of any residential windowsill on the wall to which the sign is
5 attached, whichever is lower. Such signs may be nonilluminated or indirectly illuminated.

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

13 (D) Signs on Awnings and Marquees. Sign copy may be located on permitted
14 awnings or marquees in lieu of wall signs. The area of such sign copy as set forth in Section 602.1(c)
15 shall not exceed 40 square feet on the Fulton Street frontage occupied by the use, and 40 square feet on
16 the Laguna Street frontage occupied by the use. Such sign copy may be nonilluminated or indirectly
17 illuminated.

18 (E) Freestanding Signs and Sign Towers. Freestanding signs or sign towers per
19 lot shall not be permitted.

20 (e) Effectiveness of Controls in this Ordinance. The controls of this Section 249.35A are
21 effective only if the Planning Commission approves a grocery store ~~subject pursuant~~ to the
22 requirements of this ~~Section 249.35A is approved by the Planning Commission~~ within five years of
23 the effective date of this ordinance No. _____.

1 Section 3. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor’s veto of the ordinance.

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6 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
7 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
8 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
9 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
10 additions, and Board amendment deletions in accordance with the “Note” that appears under
11 the official title of the ordinance.

12
13 APPROVED AS TO FORM:
14 DENNIS J. HERRERA, City Attorney

15 By: _____
16 KATE HERRMANN STACY
17 Deputy City Attorney