

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

3 **Ordinance amending the Planning Code to establish the Divisadero Street**
4 **Neighborhood Commercial Transit District along Divisadero Street between Haight and**
5 **O'Farrell Streets in place of the Divisadero Street Neighborhood Commercial District**
6 **and make conforming and other technical changes to various other sections;**
7 **amending the Zoning Map to make changes that conform with the Code amendments;**
8 **affirming the Planning Department's determination under the California Environmental**
9 **Quality Act; and making findings of consistency with the General Plan, and the eight**
10 **priority policies of Planning Code, Section 101.1.**

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

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

17 Section 1. Findings.

18 (a) The Planning Department has determined that the actions contemplated in this
19 ordinance comply with the California Environmental Quality Act (California Public Resources
20 Code Section 21000 et seq.). The Board of Supervisors hereby affirms the determination.
21 Said determination is on file with the Clerk of the Board of Supervisors in File No. 150082 and
22 is incorporated herein by reference.

23 (b) On April 2, 2015, the Planning Commission, in Resolution No. 19348, adopted
24 findings that the actions contemplated in this ordinance are consistent, on balance, with the
25 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board

1 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
2 Board of Supervisors in File No. 150082, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that these
4 Planning Code amendments will serve the public necessity, convenience and welfare for the
5 reasons set forth in Planning Commission Resolution No. 19348. The Board hereby
6 incorporates such reasons herein by reference and adopts them as its own.

7
8 Section 2. The San Francisco Planning Code is hereby amended by revising Sections
9 121.7, 151.1, 201, 702.1, 711, 712 and 746.1, to read as follows:

10 **SEC. 121.7. RESTRICTION OF LOT MERGERS IN CERTAIN DISTRICTS AND ON**
11 **PEDESTRIAN-ORIENTED STREETS.**

12 (b) In those NCT, NC and Mixed Use Districts listed below, merger of lots resulting in a
13 lot with a single street frontage greater than that stated in the table below on the specified
14 streets or in the specified Districts is prohibited except according to the procedures and
15 criteria in subsections (c) and (d) below.

Street or District	Lot Frontage Limit
Hayes, from Franklin to Laguna	50 feet
RED and RED-MX	50 feet
Church Street, from Duboce to 16th Street	100 feet
<i>Divisadero Street NCT except for the east and west blocks between Oak and Fell, Folsom Street NCT, RCD, WMUG, WMUO, and SALI</i>	100 feet

1	Market, from Octavia to Noe	150 feet
2	Ocean Avenue in the Ocean Avenue	See Subsection (e)
3	NCT	
4	Inner and Outer Clement NCDs	50 feet
5	NC-2 districts on Balboa Street	50 feet
6	between 2nd Avenue and 8th	
7	Avenue, and between 32nd Avenue	
8	and 38th Avenue	

10 Notwithstanding the foregoing, merger of lots in the WMUO zoning district resulting in a
11 lot with a street frontage between 100 and 200 feet along Townsend Street is permitted so
12 long as a publicly-accessible through-block pedestrian alley at least 20 feet in width and
13 generally conforming to the design standards of Section 270.2(e)(5)-(12) of this Code is
14 provided as a result of such merger.

15 **SEC. 151.1. SCHEDULE OF PERMITTED OFF-STREET PARKING SPACES IN**
16 **SPECIFIED DISTRICTS.**

17 (a) **Applicability.** This subsection shall apply only to NCT, RC, ~~RC~~, RCD, RTO,
18 ~~Excelsior Outer Mission NCD~~, Mixed Use, M-1, PDR-1-D, PDR-1-G, and C-3 Districts, and to
19 the Broadway, ~~Divisadero Street~~, Fillmore Street, Excelsior Outer Mission Street, North Beach,
20 and Upper Market Neighborhood Commercial Districts.

21 * * * *

22 **Table 151.1**
23 **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
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1	****	
2	Dwelling units and SRO units in NCT, RC, C-	P up to one car for each two dwelling units; C
3	M, RSD, SLR, and Chinatown Mixed Use	up to 0.75 cars for each dwelling unit, subject
4	Districts, and the Broadway <i>NCD, Divisadero</i>	to the criteria and procedures of Section
5	<i>Street</i> , Fillmore Street, North Beach <i>NCD</i> , and	151.1(g); NP above 0.75 cars for each
6	Upper Market Neighborhood Commercial	dwelling unit.
7	Districts, except as specified below.	
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9	****	

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

12 In order to carry out the purposes and provisions of this Code, the City is hereby

13 divided into the following classes of use districts:

14 ****

15	Named Neighborhood Commercial Districts
16	(Defined in Sec. 702.1)
17	****
18	<i>Divisadero Street Neighborhood Commercial District (Defined in Sec. 746.1)</i>
19	****
20	<i>Regional Commercial District (Defined in Sec. 744.1)</i>
21	****

23	Named Neighborhood Commercial Transit (NCT) Districts
24	(Defined in Sec. 702.1)

1	<u>Divisadero Street NCT (Defined in Sec. 746)</u>
2	* * * *
3	<u>Regional Commercial District (Defined in Sec. 744)</u>
4	* * * *

SEC. 702.1. NEIGHBORHOOD COMMERCIAL USE DISTRICTS.

* * * *

7	Named Neighborhood Commercial Districts	Section Number
8	* * * *	
9	<u>Divisadero Street Neighborhood Commercial District</u>	<u>§ 746</u>
10	* * * *	
11	<u>Regional Commercial District</u>	<u>§ 744</u>

* * * *

13	Named Neighborhood Commercial Transit (NCT) Districts	Section Number
14	<u>Divisadero Street Neighborhood Commercial Transit District</u>	<u>§ 746</u>
15	* * * *	
16	<u>Regional Commercial District</u>	<u>§ 744</u>
17	* * * *	

SEC. 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-2 ZONING CONTROL TABLE

20	* * * *			NC-2		
21	No.	Zoning Category	§ References	Controls by Story		
22			§ 790.118	1st	2nd	3rd+
23	* * * *					
24	Retail Sales and Services					

1	* * * *	Amusement Game Arcade	§ 790.40 <u>740.4</u>			
2	711.69B	(Mechanical Amusement				
3	* * * *	Devices)				

4 **SEC. 712. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-3**
5 **ZONING CONTROL TABLE**

6 * * * *

6 **SPECIFIC PROVISIONS FOR NC-3 DISTRICTS**

7	Article 7 Code Section	Other Code Section	Zoning Controls
8	* * * *		
9	§ 712.68	§ 249.35	FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)
10			Boundaries: The FFSRUD and its ¼ mile buffer includes, but is not limited to, properties within: the Mission Alcoholic Beverage Special Use District; the <u>Lower</u> 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.
11			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
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<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>* * * *</p>		<p>financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</p>
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SEC. 746.~~I~~ DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

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

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

Consistent with Divisadero Street's existing mixed-use character, new commercial development is permitted at the ground and second stories. Most neighborhood-serving businesses are strongly encouraged. Controls on new Formula Retail uses are consistent with Citywide policy for Neighborhood Commercial Districts; Eating and Drinking and Entertainment uses are confined to the ground story. The second story may be used by some

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

7 **Table SEC. 746. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
 8 **DISTRICT**
 9 **ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Divisadero Street <u>Transit</u> Controls by Story		
		§ 790.118	1st	2nd	3rd+

RESIDENTIAL STANDARDS AND USES					
746.90	Residential Use	§ 790.88	P	P	P
746.91	Residential Density, Dwelling Units	§§ 207, 207.1, 207.4, 790.88(a)	<i>Generally, 1 unit per 800 sq. ft. lot area <u>No</u> <u>residential density limit by</u> <u>lot area. Density restricted</u> <u>by physical envelope</u> <u>controls of height, bulk,</u> <u>setbacks, open space,</u> <u>exposure, required dwelling</u> <u>unit mix, and other</u> <u>applicable controls of this</u></i>		

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			<u>and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department.</u> <u>§ 207.4, 207.6</u>
746.92	Residential Density, Group Housing	§§ 207.1, 208, 790.88(b)	<u>Generally, 1 bedroom per 275 sq. ft. lot area. No group housing density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department.</u> <u>§ 208</u>

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3 Section 3. Sheets ZN02 and ZN07 of the Zoning Map of the City and County of San
4 Francisco is hereby amended, as follows:

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	<u>Description of Property</u>	<u>Use District to be Superseded</u>	<u>Use District Hereby Approved</u>
7	All parcels zoned Divisadero	Divisadero Street	Divisadero Street
8	Street Neighborhood	Neighborhood	Neighborhood Commercial
9	Commercial District on	Commercial	Transit District
10	Blocks 1100, 1101, 1126,	District	
11	1127, 1128, 1129, 1153, 1154,		
12	1155, 1156, 1179, 1180, 1181,		
13	1182, 1201, 1202, 1203, 1204,		
14	1215, 1216, 1217, 1218, 1237,		
15	1238, 1239, and 1240		

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17 Section 4. Effective Date. This Ordinance shall become effective 30 days from the
18 date of passage. Enactment occurs when the Mayor signs the ordinance, the Mayor returns
19 the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the
20 Board of Supervisors overrides the Mayor’s veto of the ordinance.

21
22 Section 5. Scope of Ordinance. In enacting this ordinance, the Board intends to amend
23 only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation
24 marks, charts, diagrams, or any other constituent part of the Municipal Code that are explicitly
25 shown in this legislation as additions, deletions, Board amendment additions, and Board

1 amendment deletions in accordance with the "Note" that appears under the official title of the
2 legislation.

3 Specifically, the Board of Supervisors recognizes that a pending ordinance in File No.
4 150081 amends some of the same sections of the Planning Code. The Board intends that, if
5 adopted, the additions and deletions shown in both ordinances be given effect so that the
6 substance of each ordinance be given full force and effect. To this end, the Board directs the
7 City Attorney's Office and the publisher to harmonize the provisions of each ordinance.

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9 APPROVED AS TO FORM:
10 DENNIS J. HERRERA, City Attorney

11 By: _____
12 JUDITH A. BOYAJIAN
Deputy City Attorney

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