

LEGISLATIVE DIGEST

[Planning Code - Commercial Uses in Polk Street and Pacific Avenue Neighborhood Commercial Districts; Technical and Other Amendments]

Ordinance amending the Planning Code to 1) limit lot sizes in the Pacific Avenue Neighborhood Commercial District (“Pacific NCD”) and the Polk Street Neighborhood Commercial District (“Polk NCD”); 2) limit the size of non-residential uses in the Pacific NCD and Polk NCD, and exempting movie theaters in the Polk NCD from certain size limits; 3) restrict lot mergers in the Pacific NCD and Polk NCD; 4) require ground floor commercial uses in the Polk NCD and on certain portions of Pacific Avenue; 5) modify residential and non-residential off-street parking requirements in the Pacific NCD and Polk NCD; 6) prohibit garage entries, driveways, or other vehicular access to off-street parking or loading on certain streets and alleys in the Pacific NCD and Polk NCD; 7) deem nonconforming uses in the Polk NCD to be discontinued after 18 months of non-use; 8) clarify procedures for abating a Conditional Use authorization; 9) modifying the maximum concentration of eating and drinking uses in the Polk NCD; 10) prohibit and restrict medical service, massage establishment, kennel, and agriculture uses in the Polk NCD; 11) prohibit storefront mergers in Polk NCD; 12) prohibit and restrict medical service, kennel, and agriculture uses in the Pacific NCD; 13) modify the required dwelling unit mix in the Polk NCD and Pacific NCD; 14) require Conditional Use authorization before replacing a Legacy Business in Polk NCD and Pacific NCD; 15) prohibit removal, demolition, merger, or conversion of certain residential units in Polk NCD and Pacific NCD; and 16) correct, clarify, and simplify language in other Planning Code Sections; affirming the Planning Department’s determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public convenience, necessity, and welfare under Planning Code, Section 302.

Amendments to Current Law

This ordinance would amend the Planning Code as described below.

Section 121.1

- Proposed Amendments: Would establish size limits (in square feet) above which Conditional Use authorization would be required for certain development in Pacific NCD and Polk NCD.

Section 121.2

- Existing Code: Exempts Movie Theaters in the North Beach Neighborhood Commercial District (“North Beach NCD”) from certain square footage limits.

- Proposed Amendments: Would eliminate the use size exemption for Movie Theaters in the North Beach NCD and replace it with an exemption for Movie Theaters in the Polk Street NCD.

Section 121.7

- Existing Code: Restricts lot mergers on certain streets in certain districts.
- Proposed Amendments: Would restrict lot mergers in Polk NCD and Pacific NCD.

Section 145.4

- Existing Code: Requires Active Commercial uses on certain street frontages.
- Proposed Amendments: Would require Active Commercial uses on street frontages in Polk NCD and on portions of Pacific Avenue.

Section 151

- Existing Code: Establishes off-street parking requirements.
- Proposed Amendments: Would reduce parking requirements for dwellings in Polk NCD and Pacific NCD.

Section 151.1

- Existing Code: Establishes off-street parking requirements.
- Proposed Amendments: Would reduce parking requirements for non-residential uses in Polk NCD and Pacific NCD.

Section 155

- Existing Code: Prohibits garage entries, driveways, or other vehicular access to off-street parking or loading on certain specified streets and alleys.
- Proposed Amendments: Would prohibit garage entries, driveways, or other vehicular access to off-street parking or loading on portions of Polk Street, California Street, Hyde Street, Broadway, and Bush Street.

Section 186.1

- Existing Code: Provides that in certain NCDs, a nonconforming use that ceases for 18 months will be deemed discontinued.
- Proposed Amendments: Would provide that a nonconforming use in the Polk NCD that ceases for 18 months will be deemed discontinued.

Section 303

- Proposed Amendments: Would provide clarification that at any time while a Conditional Use authorization is effective, a Conditional Use may be subject to abatement on the basis of substantial evidence of a violation of conditions of approval, a violation of law, or creation of hazardous, noxious, or offensive conditions.

Would also increase the allowable concentration of eating and drinking uses in the Polk NCD from 25% to 35%.

Section 723

- Existing Code: Sets forth zoning controls for the Polk NCD.
- Proposed Amendments would:
 - Update the description of the Polk NCD and its active, pedestrian-oriented storefronts.
 - Modify the required dwelling unit mix in the Polk NCD.
 - Establish requirements and conditions for replacing Legacy Businesses and conditions under which Conditional Use authorization would not be required.
 - Prohibit storefront mergers.
 - Prohibit removal, demolition, merger, or conversion of Residential Units above the First Story.
 - Make various changes and clarifications to the Polk NCD Zoning Control Table.

Section 733

- Existing Code: Sets forth zoning controls for the Pacific NCD.
- Proposed Amendments would:
 - Establish requirements and conditions for replacing Legacy Businesses and conditions under which Conditional Use authorization would not be required.
 - Prohibit removal, demolition, merger, or conversion of Residential Units above the First Story.
 - Make various changes and clarifications to the Pacific NCD Zoning Control Table.

Section 207.8

- Existing Code: Restricts division of dwelling units in certain districts.
- Proposed Amendments: Would apply restrictions on division of dwelling units to the Polk NCD and the Pacific NCD.