

FILE NO. 081100

ORDINANCE NO. **321-08**

1 [Zoning – Providing for a Five Feet Special Height Exception for Active Ground Floor Uses in
2 the NC-2 and NC-3 Designated Parcels fronting Mission Street, from Silver Avenue to the
3 Daly City border, Neighborhood Commercial Districts.]

4 Ordinance amending the San Francisco Planning Code by amending Section 263.20 to
5 provide for a special height exception for ground floor uses in the NC-2 and NC-3
6 Designated Parcels fronting Mission Street, from Silver Avenue to the Daly City border
7 the Neighborhood Commercial Districts; amending Sections 703.1, 740.1, 711.1, 712.1,
8 713.1, 715.1, 716.1, 717.1, 718.1, 719.1, 720.1, 721.1, 723.1, 724.1, 725.1, 726.1, 727.1,
9 728.1, 729.1, 730.1, 731.1, 732.1 to refer to this special height exception; adopting
10 findings, including environmental findings and findings of consistency with the priority
11 policies of Planning Code Section 101.1 and the General Plan.

12 Note: Additions are *single-underline italics Times New Roman*;
13 deletions are *strikethrough italics Times New Roman*.
14 Board amendment additions are double underlined.
15 Board amendment deletions are ~~strikethrough-normal~~.

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

17 Section 1. Findings. The Board of Supervisors of the City and County of San
18 Francisco hereby find and determine that:

19 (a) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
20 ordinance will serve the public necessity, convenience and welfare, for the reasons set forth in
21 Planning Commission Resolution No. _____ Planning Department's memorandum to the
22 Planning Commission dated October 16, 2008, and incorporates such reasons by this
23 reference thereto. A copy of said ~~resolution~~ memorandum is on file with the Clerk of the
24 Board of Supervisors in File No. 081100 .

25 (b) Pursuant to Planning Code Section 101.1, the Board of Supervisors finds that the
ordinance is consistent with the Priority Policies of Section 101.1(b) of the Planning Code and
with the General Plan and hereby incorporates a report containing those findings as if fully set

1 forth herein. A copy of said report is on file with the Clerk of the Board of Supervisors in File
2 No. 081100 .

3 (c) The Planning Department concluded environmental review of this ordinance
4 pursuant to the California Environmental Quality Act, Public Resources Code Section 2100 et
5 seq. Documentation of that review is on file with the Clerk of the Board of Supervisors in File
6 No. 081100 .

7 Section 2. The San Francisco Planning Code is hereby amended by amending Section
8 263.20, to read as follows:

9 **SEC. 263.20. SPECIAL HEIGHT EXCEPTION: ADDITIONAL FIVE FEET HEIGHT**
10 **FOR GROUND FLOOR USES IN NCT NEIGHBORHOOD COMMERCIAL (NC) NCT 40-X**
11 **AND 50-X HEIGHT AND BULK ~~40-X AND 50-X HEIGHT AND BULK~~ DISTRICTS AND IN NC-**
12 **2 AND NC-3 DESIGNATED PARCELS FRONTING MISSION STREET, FROM SILVER**
13 **AVENUE TO THE DALY CITY BORDER.**

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

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

23 (1) ~~for projects located in NCT districts,~~ the project is located in a 40-X or 50-X Height
24 and Bulk District as designated on the Zoning Map;

1 (2) project is located in an NCT district as designated on the Zoning Map; or in a NC-2
2 or NC-3 designated parcel fronting Mission Street, from Silver Avenue to the Daly City border.

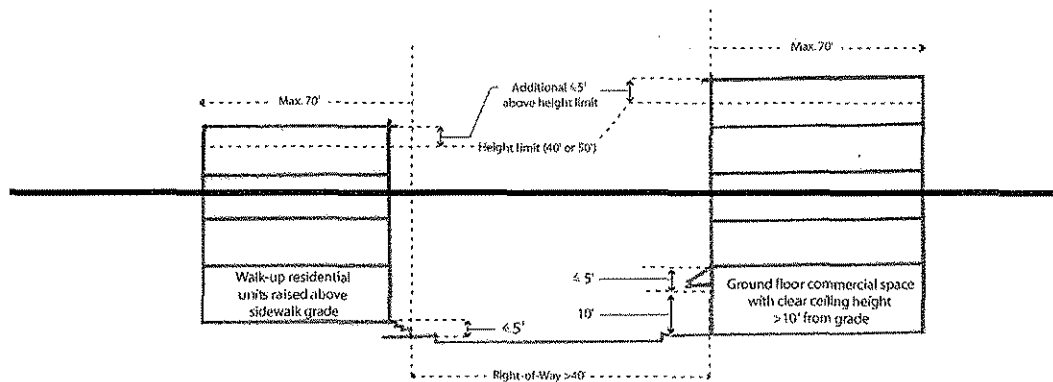
3 (3) project features ground floor commercial space or other active use as defined by
4 Section 145.1(e) with clear ceiling heights in excess of ten feet from sidewalk grade, or in the
5 case of residential uses, such walk-up residential units are raised up from sidewalk level;

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

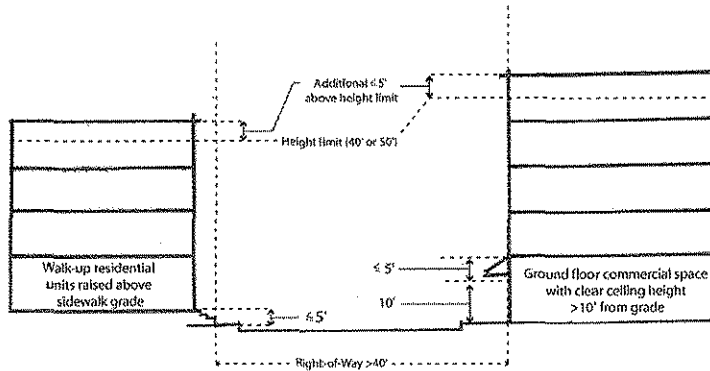
8 (5) said ground floor commercial space or active use occupies at least 50% of the
9 project's ground floor area; and

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

13 (c) One additional foot of height, up to a total of five feet, shall be permitted above the
14 designated height limit for each additional foot of ground floor clear ceiling height in excess of
15 10 feet from sidewalk grade, or in the case of residential units, for each foot the unit is raised
16 above sidewalk grade. Such additional height shall not extend more than 70 feet in depth back from
17 the right-of-way(s) described in (b)(4).



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Section 3. The San Francisco Planning Code is hereby amended by amending Section 703.1, to read as follows:

SEC. 703.1. BUILDING STANDARDS.

Building standards are controls which regulate the general size, shape, character, and design of development in Neighborhood Commercial Districts. They are set forth or summarized and cross-referenced in the zoning control categories as listed in Paragraph (a) below in Sections 710.10 through 729.94 of this Code for each district class.

(a) Building Standard Categories. The building standard categories which govern Neighborhood Commercial Districts are listed below by zoning control category and number and cross-referenced to the Code Section containing the standard and the definition.

TABLE INSET:

No.	Zoning Control Categories	Section	Section Number
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	for Building Standards	Number of Standard	of Definition
.10	Height and Bulk	Zoning Map	§§ 102.11, 102.18, <u>263.20</u> , 270
.11	Lot Size [Per Development]	§ 121.1	§§ 121(c), 790.56
.12	Rear Yard	§ 134(a)(e)	§ 134
.13	Street Frontage	§ 145.1	
.14	Awning	§ 136.1(a)	§ 790.20
.15	Canopy	§ 136.1(b)	§ 790.26
.16	Marquee	§ 136.1(c)	§ 790.58
.17	Street Trees	§ 143	
.20	Floor Area Ratio	§§ 123--124	§§ 102.8, 102.10
.21	Use Size [Nonresidential]	§ 121.2	§ 790.130
.22	Off-Street Parking, Commercial and Institutional	§ 151	§ 150
.23	Off-Street Freight Loading	§ 152	§ 150
.30	General Advertising Sign	§ 607.1(e)	§ 602.7
.31	Business Sign	§ 607.1(f)	§ 602.3

1	.32	Other Signs	§ 607.1(c), (d)- -(g)	§§ 602.9, 602.17, 602.20
2				
3	.91	Residential Density, Dwelling Units	§ 207.4	§ 207.1
4				
5	.92	Residential Density, Group Housing	§ 208	§ 208
6				
7	.93	Usable Open Space	§ 135(d)	§ 135
8				
9	.94	Off-Street Parking, Residential	§ 151	§ 150
10				

11 Section 4. The San Francisco Planning Code is hereby amended by amending Section
12 711.1, to read as follows:

13
14 **SEC. 711.1. NC-2 -- SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.**

15 The NC-2 District is intended to serve as the City's Small-Scale Neighborhood
16 Commercial District. These districts are linear shopping streets which provide convenience
17 goods and services to the surrounding neighborhoods as well as limited comparison shopping
18 goods for a wider market. The range of comparison goods and services offered is varied and
19 often includes specialty retail stores, restaurants, and neighborhood-serving offices. NC-2
20 Districts are commonly located along both collector and arterial streets which have transit
21 routes.

22 These districts range in size from two or three blocks to many blocks, although the
23 commercial development in longer districts may be interspersed with housing or other land
24

1 uses. Buildings typically range in height from two to four stories with occasional one-story
2 commercial buildings.

3 The small-scale district controls provide for mixed-use buildings which approximate or
4 slightly exceed the standard development pattern. Rear yard requirements above the ground
5 story and at residential levels preserve open space corridors of interior blocks.

6 Most new commercial development is permitted at the ground and second stories.
7 Neighborhood-serving businesses are strongly encouraged. Eating and drinking and
8 entertainment uses, however, are confined to the ground story. The second story may be
9 used by some retail stores, personal services, and medical, business and professional offices.
10 Parking and hotels are monitored at all stories. Limits on late-night activity, drive-up facilities,
11 and other automobile uses protect the livability within and around the district, and promote
12 continuous retail frontage.

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14 Housing development in new buildings is encouraged above the ground story. Existing
15 residential units are protected by limitations on demolition and upper-story conversions.

16
17 SEC. 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL

18 DISTRICT NC-2 ZONING CONTROL TABLE

19
20 TABLE INSET:

21

			NC-2
No.	Zoning Category	§ References	Controls

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1 BUILDING STANDARDS

2			Generally, 40-X See
3			Zoning Map; <u>additional 5</u>
4		§§ 102.12, 105,	<u>feet for NC-2 parcels with</u>
5	711.10	106, 250--252,	<u>active uses along Mission</u>
6	Height and Bulk Limit	260, <u>263.20,</u>	<u>Street, from Silver Avenue</u>
7		270, 271	<u>to the Daly City Border,</u>
8			<u>see § 263.20.</u>
9			
10	711.11	§§ 790.56,	P up to 9,999 sq. ft.; C
11	Lot Size <i>[Per</i>	121.1	10,000 sq. ft. & above §
12	<i>Development]</i>		121.1
13			
14	711.12	§§ 130, 134,	Required at the second
15	Rear Yard	136	story and above and at all
16			residential levels § 134(a)
17			(e)
18	711.13		Required § 145.1
19	Street Frontage		
20	711.14	§ 790.20	P § 136.1(a)
21	Awning		
22	711.15	§ 790.26	P § 136.1(b)
23	Canopy		
24	711.16	§ 790.58	P § 136.1(c)
25	Marquee		

1			
2	711.17	Street Trees	Required § 143
3			
4	COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES		
5			
6	711.20	Floor Area Ratio	§§ 102.9, 102.11, 123
7			2.5 to 1 § 124(a) (b)
8	711.21	Use Size [<i>Non-Residential</i>]	§ 790.130
9			P up to 3,999 sq. ft.; C 4,000 sq. ft. & above § 121.2
10			
11	711.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153-- 157, 159--160, 204.5
12			Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
13			
14	711.23	Off-Street Freight Loading	§§ 150, 153-- 155, 204.5
15			Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
16			
17	711.24	Outdoor Activity Area	§ 790.70
18			P if located in front; C if located elsewhere § 145.2(a)
19			
20	711.25	Drive-Up Facility	§ 790.30
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2	711.26	Walk-Up Facility	§ 790.140
3			P if recessed 3 ft.; C if not recessed § 145.2(b)
4	711.27	Hours of Operation	§ 790.48
5			P 6 a.m.--2 a.m.; C 2 a.m.--6 a.m.
6	711.30	General Advertising Sign	§§ 262, 602--604, 608, 609
7			P § 607.1(e)1
8	711.31	Business Sign	§§ 262, 602--604, 608, 609
9			P § 607.1(f) 2
10	711.32	Other Signs	§§ 262, 602--604, 608, 609
11			P § 607.1(c) (d) (g)

14 TABLE INSET:

16 No.	17 Zoning Category	18 § References	19 NC-2		
			20 Controls by Story		
		21 § 790.118	22 1st	23 2nd	24 3rd+
20 711.38	21 Residential Conversion	22 § 790.84	23 P	24 C	
22 711.39	23 Residential Demolition	24 § 790.86	P	C	C

1	Retail Sales and Services				
2	711.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	P
3					
4					
5	711.41	Bar	§ 790.22	P	
6					
7					
8	711.42	Full-Service Restaurant	§ 790.92	P #	
9					
10	711.43	Large Fast Food Restaurant	§ 790.90	C #	
11					
12					
13	711.44	Small Self-Service Restaurant	§ 790.91	P #	
14					
15	711.45	Liquor Store	§ 790.55	P	
16					
17	711.46	Movie Theater	§ 790.64	P	
18					
19	711.47	Adult Entertainment	§ 790.36		
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22	711.48	Other Entertainment	§ 790.38	P	
23					
24	711.49	Financial Service	§ 790.110	P #	C #
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711.50	Limited Financial Service	§ 790.112	P #		
711.51	Medical Service	§ 790.114	P	P	
711.52	Personal Service	§ 790.116	P	P	
711.53	Business or Professional Service	§ 790.108	P	P	
711.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
711.55	Tourist Hotel	§ 790.46	C	C	C
711.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
711.57	Automotive Gas Station	§ 790.14	C		
711.58	Automotive Service Station	§ 790.17	C		
711.59	Automotive Repair	§ 790.15	C		

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711.60	Automotive Wash	§ 790.18			
711.61	Automobile Sale or Rental	§ 790.12			
711.62	Animal Hospital	§ 790.6	C		
711.63	Ambulance Service	§ 790.2			
711.64	Mortuary	§ 790.62			
711.65	Trade Shop	§ 790.124	P #	C #	
711.66	Storage	§ 790.117			
711.67	Video Store	§ 790.135	C	C	
711.68	Fringe Financial Service	§ 790.111	P#		
Institutions and Non-Retail Sales and Services					
711.70	Administrative Service	§ 790.106			

1					
2	711.80	Hospital or Medical Center	§ 790.44		
3					
4	711.81	Other Institutions, Large	§ 790.50	P	C
5					
6	711.82	Other Institutions, Small	§ 790.51	P	P
7					
8	711.83	Public Use	§ 790.80	C	C
9					
10	711.84	Medical Cannabis Dispensary	§ 790.141	P #	
11					
12	RESIDENTIAL STANDARDS AND USES				
13					
14	711.90	Residential Use	§ 790.88	P	P
15					
16	711.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 800 sq. ft. lot area § 207.4	
17					
18	711.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 275 sq. ft. lot area § 208	
19					
20	711.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 100 sq. ft. if private, or 133 sq. ft. if common § 135(d)	
21					
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1 2 3	711.94	Off-Street Parking, Residential	§§ 150, 153-- 157, 159--160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
4 5 6	711.95	Community Residential Parking	§ 790.10	C	C	C

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SPECIFIC PROVISIONS FOR NC-2 DISTRICTS

TABLE INSET:

Article 7 Code Section	Other Code Section	Zoning Controls
§ 711.42 § 711.43 § 711.44	§ 781.1	TARAVAL STREET RESTAURANT AND FAST-FOOD SUBDISTRICT Boundaries: Applicable only for the Taraval Street NC-2 District between 12th and 36th Avenues as mapped on Sectional Maps 5 SU and 6 SU Controls: Full-service restaurants and small self-service restaurants are C; large fast-food restaurants are NP
§ 711.42 § 711.43 § 711.44	§ 781.2	IRVING STREET RESTAURANT AND FAST-FOOD SUBDISTRICT Boundaries: Applicable only for the portion of the Irving Street NC-2 District between 19th and 27th Avenues as mapped on Sectional Map 5 SU

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		Controls: Small self-service restaurants are C; full-service restaurants and large fast-food restaurants are NP
§ 711.43 § 711.44	§ 781.3	OCEAN AVENUE FAST-FOOD SUBDISTRICT Boundaries: Applicable only for the Ocean Avenue NC-2 District from Manor Drive to Phelan Avenue as mapped on Sectional Map 12 SU Controls: Small self-service restaurants and large fast-food restaurants are NP
§ 711.49 § 711.50 § 711.68	§ 781.7	CHESTNUT STREET FINANCIAL SERVICE SUBDISTRICT Boundaries: Applicable only for the Chestnut Street NC-2 District from Broderick to Fillmore Streets as mapped on Sectional Map 2 SU Controls: Financial services, limited financial services, and fringe financial services are NP
§ 711.65	§ 236	GARMENT SHOP SPECIAL USE DISTRICT Boundaries: Applicable only for the portion of the Pacific Avenue NC-2 District east of Hyde Street as mapped on Sectional Map 1 SU a Controls: Garment shops are P at the 1st and 2nd stories
§ 711.68	§ 249.35	FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD) Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, properties within: the Mission Alcoholic Beverage Special Use District the Haight Street Alcohol Restricted Use District;

		<p>the Third Street Alcohol Restricted Use District; the Divisadero Street Alcohol Restricted Use District; and the North of Market Residential Special Use District; and includes Small-Scale Neighborhood Commercial Districts within its boundaries. Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</p>
<p>§ 711.84 § 790.141</p>	<p>Health Code § 3308</p>	<p>Medical cannabis dispensaries in NC-2 District may only operate between the hours of 8 a.m. and 10 p.m.</p>

Section 5. The San Francisco Planning Code is hereby amended by amending Section 712.1, to read as follows:

SEC. 712.1. NC-3 -- MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.

NC-3 Districts are intended in most cases to offer a wide variety of comparison and specialty goods and services to a population greater than the immediate neighborhood, additionally providing convenience goods and services to the surrounding neighborhoods. NC-3 Districts are linear districts located along heavily trafficked thoroughfares which also serve as major transit routes.

1 NC-3 Districts include some of the longest linear commercial streets in the City, some
2 of which have continuous retail development for many blocks. Large-scale lots and buildings
3 and wide streets distinguish the districts from smaller-scaled commercial streets, although the
4 districts may include small as well as moderately scaled lots. Buildings typically range in
5 height from two to four stories with occasional taller structures.

6 NC-3 building standards permit moderately large commercial uses and buildings. Rear
7 yards are protected at residential levels.

8 A diversified commercial environment is encouraged for the NC-3 District, and a wide
9 variety of uses are permitted with special emphasis on neighborhood-serving businesses.
10 Eating and drinking, entertainment, financial service and certain auto uses generally are
11 permitted with certain limitations at the first and second stories. Other retail businesses,
12 personal services and offices are permitted at all stories of new buildings. Limited storage and
13 administrative service activities are permitted with some restrictions.

14 Housing development in new buildings is encouraged above the second story. Existing
15 residential units are protected by limitations on demolitions and upper-story conversions.
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17 **SEC. 712. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT**

18 **NC-3 ZONING CONTROL TABLE**

19 **TABLE INSET:**

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			NC-3
No.	Zoning Category	§ References	Controls

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1 BUILDING STANDARDS

2			Generally, 40-X See
3			Zoning Map; <u>additional 5</u>
4		§§ 102.12, 105,	<u>feet for NC-3 parcels with</u>
5	712.10	106, 250--252,	<u>active uses along Mission</u>
6	Height and Bulk Limit	260, <u>263.20,</u>	<u>Street, from Silver Avenue</u>
7		270, 271	<u>to the Daly City Border,</u>
8			<u>see § 263.20.</u>
9			
10	712.11	§§ 790.56,	P up to 9,999 sq. ft.; C
11	Lot Size	121.1	10,000 sq. ft. & above §
12	<i>[Per Development]</i>		121.1
13	712.12	§§ 130, 134,	Required at residential
14	Rear Yard	136	levels only § 134(a)(e)
15	712.13		
16	Street Frontage		Required § 145.1
17	712.14		
18	Awning	§ 790.20	P § 136.1(a)
19	712.15		
20	Canopy	§ 790.26	P § 136.1(b)
21	712.16		
22	Marquee	§ 790.58	P § 136.1(c)
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1	712.17	Street Trees		Required § 143
2				
3	COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
4				
5	712.20	Floor Area Ratio	§§ 102.9, 102.11, 123	3.6 to 1 § 124(a) (b)
6				
7	712.21	Use Size [Non- Residential]	§ 790.130	P up to 5,999 sq. ft.; C 6,000 sq. ft. & above § 121.2
8				
9				
10	712.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153-- 157, 159--160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
11				
12				
13				
14	712.23	Off-Street Freight Loading	§§ 150, 153-- 155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
15				
16				
17				
18	712.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
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21				
22	712.25	Drive-Up Facility	§ 790.30	#
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1	712.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
2				
3	712.27	Hours of Operation	§ 790.48	No Limit
4				
5	712.30	General Advertising Sign	§§ 262, 602-- 604, 608, 609	P # § 607.1(e)2
6				
7	712.31	Business Sign	§§ 262, 602-- 604, 608, 609	P # § 607.1(f)3
8				
9	712.32	Other Signs	§§ 262, 602-- 604, 608, 609	P # § 607.1(c) (d) (g)
10				
11				
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13 TABLE INSET:

14				NC-3		
15	No.	Zoning Category	§ References	Controls by Story		
16						
17			§ 790.118	1st	2nd	3rd+
18						
19	712.38	Residential Conversion	§ 790.84	P	C	C #
20						
21	712.39	Residential Demolition	§ 790.86	P	C	C
22						
23	Retail Sales and Services					
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712.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P #	P #	P #
712.41	Bar	§ 790.22	P	P	
712.42	Full-Service Restaurant	§ 790.92	P	P	
712.43	Large Fast Food Restaurant	§ 790.90	C #	C #	
712.44	Small Self-Service Restaurant	§ 790.91	P #	P #	
712.45	Liquor Store	§ 790.55			
712.46	Movie Theater	§ 790.64	P	P	
712.47	Adult Entertainment	§ 790.36	C	C	
712.48	Other Entertainment	§ 790.38	P	P	
712.49	Financial Service	§ 790.110	P	P	

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712.50	Limited Financial Service	§ 790.112	P	P	
712.51	Medical Service	§ 790.114	P	P	P
712.52	Personal Service	§ 790.116	P	P	P
712.53	Business or Professional Service	§ 790.108	P	P	P
712.54	Massage Establishment	§ 790.60, § 1900 Health Code	C	C	
712.55	Tourist Hotel	§ 790.46	C	C	C
712.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
712.57	Automobile Gas Station	§ 790.14	C		
712.58	Automotive Service Station	§ 790.17	C		
712.59	Automotive Repair	§ 790.15	C	C	

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712.60	Automotive Wash	§ 790.18	C		
712.61	Automobile Sale or Rental	§ 790.12	C		
712.62	Animal Hospital	§ 790.6	C	C	
712.63	Ambulance Service	§ 790.2	C		
712.64	Mortuary	§ 790.62	C	C	C
712.65	Trade Shop	§ 790.124	P	C	C
712.66	Storage	§ 790.117	C	C	C
712.67	Video Store	§ 790.135	C	C	C
712.68	Fringe Financial Service	§ 790.111	P#		
Institutions and Non-Retail Sales and Services					
712.70	Administrative	§ 790.106	C	C	C

1		Service				
2	712.80	Hospital or Medical				
3		Center	§ 790.44	C	C	C
4						
5	712.81	Other Institutions,				
6		Large	§ 790.50	P	P	P
7	712.82	Other Institutions,				
8		Small	§ 790.51	P	P	P
9						
10	712.83	Public Use	§ 790.80	C	C	C
11						
12	712.84	Medical Cannabis				
13		Dispensary	§ 790.141	P #		
14	RESIDENTIAL STANDARDS AND USES					
15	712.90	Residential Use	§ 790.88	P	P	P
16						
17	712.91	Residential Density,				
18		Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area § 207.4		
19						
20	712.92	Residential Density,				
21		Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208		
22						
23	712.93	Usable Open Space				
24		<i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)		
25						

1 2 3	712.94	Off-Street Parking, Residential	§§ 150, 153-157, 159--160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
4 5 6	712.95	Community Residential Parking	§ 790.10	C	C	C

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SPECIFIC PROVISIONS FOR NC-3 DISTRICTS

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TABLE INSET:

12 13 14	Article 7 Code Section	Other Code Section	Zoning Controls
15 16 17 18 19 20 21	§ 712.25 § 712.40	§ 249.14	THIRD STREET SPECIAL USE DISTRICT Boundaries: Applicable only to the portion of the Third Street SUD as shown on Sectional Map 10 SU zoned NC-3 Controls: Off-sale retail liquor sales as defined in Section 249.14(b)(1)(A) are NP; drive-up facilities for large fast- food restaurants and small self-service restaurants are C
22 23 24 25	§ 712.30 § 712.31 §	§ 608.10	UPPER MARKET STREET SPECIAL SIGN DISTRICT Boundaries: Applicable only for the portion of the Market Street NC-3 District from Octavia to Church Streets as

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712.32		mapped on Sectional Map SSD Controls: Special restrictions and limitations for signs
§ 712.38	§ 790.84	Boundaries: Applicable to NC-3 Districts Controls: A residential use may be converted to an Other Institution, Large, use, as defined by Section 790.50 of this Code, as a conditional use on the third story and above if in addition to the criteria set forth in Section 303, the Commission finds that: (1) The structure in which the residential use is to be converted has been found eligible for listing on the National Register of Historic Places; (2) The proposed Other Institution, Large, use is to be operated by a nonprofit public benefit corporation; and (3) No legally residing residential tenants will be displaced.
§ 712.43	§ 781.4	GEARY BOULEVARD FAST-FOOD SUBDISTRICT Boundaries: Applicable only for the portion of the Geary Boulevard NC-3 District between 14th and 28th Avenues as mapped on Sectional Maps 3 SU and 4 SU Controls: Large fast-food restaurants are NP
§ 712.43 § 712.44	§ 781.5	MISSION STREET FAST-FOOD SUBDISTRICT Boundaries: Applicable only for the portion of the Mission Street NC-3 District between 15th Avenue and Randall Street as mapped on Sectional Map 7 SU Controls: Small self-service restaurants are C; large fast-food restaurants

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		are NP
§ 712.45	§ 781.10	17TH AND RHODE ISLAND STREET GROCERY STORE SPECIAL USE SUBDISTRICT. Boundaries: Applicable only for the block bound by 17th, Rhode Island, Mariposa and Kansas Streets as mapped on Sectional Map 8 SU Controls: One liquor store on the first or second story is C if operated as integral element of a grocery store of not less than 30,000 gross square feet. Nighttime Entertainment uses are not permitted.
§ 712.68	§ 249.35	FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD) Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, properties within: the Mission Alcoholic Beverage Special Use District; the Haight Street Alcohol Restricted Use District; the Third Street Alcohol Restricted Use District; the Divisadero Street Alcohol Restricted Use District; and the North of Market Residential Special Use District; and includes Moderate-Scale Neighborhood Commercial Districts within its boundaries. Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection

		249.35(c)(3).
§ 712.84 § 790.141	Health Code § 3308	Medical cannabis dispensaries in NC-3 District may only operate between the hours of 8 a.m. and 10 p.m.

Section 6. The San Francisco Planning Code is hereby amended by amending Section 731.1, to read as follows:

SEC. 731.1. NCT-3 -- MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

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

1 NCT-3 Districts are intended in most cases to offer a wide variety of comparison and
2 specialty goods and services to a population greater than the immediate neighborhood,
3 additionally providing convenience goods and services to the surrounding neighborhoods.
4 NCT-3 Districts include some of the longest linear commercial streets in the City, some of
5 which have continuous retail development for many blocks. Large-scale lots and buildings and
6 wide streets distinguish the districts from smaller-scaled commercial streets, although the
7 districts may include small as well as moderately scaled lots. Buildings may range in height,
8 with height limits varying from four to eight stories.

9 NCT-3 building standards permit moderately large commercial uses and buildings.
10 Rear yards are protected at residential levels.

11 A diversified commercial environment is encouraged for the NCT-3 District, and a wide
12 variety of uses are permitted with special emphasis on neighborhood-serving businesses.
13 Eating and drinking, entertainment, and financial service uses generally are permitted with
14 certain limitations at the first and second stories. Auto-oriented uses are somewhat restricted.
15 Other retail businesses, personal services and offices are permitted at all stories of new
16 buildings. Limited storage and administrative service activities are permitted with some
17 restrictions.

18 Housing development in new buildings is encouraged above the second story. Existing
19 residential units are protected by limitations on demolitions and upper-story conversions.

20
21 SEC. 731. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

22 NCT-3 ZONING CONTROL TABLE

23 TABLE INSET:
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25

			NC-3
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
731.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250-- 252, 260, 261.1, 263.18 , <u>263.20</u> , 270, 271	Varies See Zoning Map Height Sculpting on Alleys; § 261.1 Additional 5' Height Allowed for Ground Floor Active Uses in 40-X and 50-X; § 263.18 <u>§ 263.20</u>
731.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above §121.1
731.12	Rear Yard	§§ 130, 134, 136	Required at residential levels only § 134(a)(e)
731.13	Street Frontage		Required § 145.1
731.13a	Street Frontage, Above- Grade Parking Setback and Active Uses		Minimum 25 feet on ground floor, 15 feet on floors above § 145.1(c), (e)

1	731.13b	Street Frontage, Required Ground Floor Commercial		Market Street, Church Street § 145.1(d)
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4	731.13c	Street Frontage, Parking and Loading access restrictions		§ 155(r) NP: Market Street, Church Street, Mission Street C: Duboce Street, Haight Street
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9	731.14	Awning	§ 790.20	P § 136.1(a)
10				
11				
12	731.15	Canopy	§ 790.26	P § 136.1(b)
13				
14	731.16	Marquee	§ 790.58	P § 136.1(c)
15				
16	731.17	Street Trees	-	Required § 143
17				
18				
19	COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
20	731.20	Floor Area Ratio	§§ 102.9, 102.11, 123	3.6 to 1 § 124 (a) (b)
21				
22	731.21	Use Size [Non- Residential]	§ 790.130	P up to 5,999 sq. ft.; C 6,000 sq. ft. & above
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			§ 121.2
731.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153-- 157, 159--160, 204.5	None required. For uses in Table 151 that are described as a ratio of occupied floor area, P up to 1 space per 1,500 feet of occupied floor area or the quantity specified in Table 151, whichever is less, and subject to the conditions of Section 151.1(f); NP above. For retail grocery stores larger than 20,000 square feet, P up to 1:500, C up to 1:250 for space in excess of 20,000 s.f. subject to conditions of 151.1(f); NP above. For all other uses, P up to the quantity specified in Table 151, and subject to the conditions of Section 151.1(f); NP above.

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			§§ 151.1, 166, 145.1
731.23	Off-Street Freight Loading	§§ 150, 153-- 155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
731.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
731.25	Drive-Up Facility	§ 790.30	
731.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
731.27	Hours of Operation	§ 790.48	No Limit
731.30	General Advertising Sign	§§ 262, 602-- 604, 608, 609	P # § 607.1(e)2
731.31	Business Sign	§§ 262, 602-- 604, 608, 609	P # § 607.1(f)3
731.32	Other Signs	§§ 262, 602-- 604, 608, 609	P # § 607.1(c) (d) (g)

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TABLE INSET:

No.	Zoning Category	§ References	NCT-3		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
731.38	Residential Conversion	§ 790.84, 207.7	C	C	C
731.39	Residential Demolition	§ 790.86, 207.7	C	C	C
731.39a	Residential Division	§ 207.6	P	P	P
Retail Sales and Services					
731.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P #	P #	P #
731.41	Bar	§ 790.22	P	P	-
731.42	Full-Service Restaurant	§ 790.92	P	P	-

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731.43	Large Fast Food Restaurant	§ 790.90	C #	C #	-
731.44	Small Self- Service Restaurant	§ 790.91	P #	P #	-
731.45	Liquor Store	§ 790.55	-	-	-
731.46	Movie Theater	§ 790.64	P	P	-
731.47	Adult Entertainment	§ 790.36	C	C	-
731.48	Other Entertainment	§ 790.38	P	P	-
731.49	Financial Service	§ 790.110	P	P	-
731.50	Limited Financial Service	§ 790.112	P	P	-
731.51	Medical Service	§ 790.114	P	P	P
731.52	Personal Service	§ 790.116	P	P	P
731.53	Business or Professional	§ 790.108	P	P	P

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	Service				
731.54	Massage Establishment	§ 790.60, § 2700 Police Code	C	C	-
731.55	Tourist Hotel	§ 790.46	C	C	C
731.56	Automobile Parking	§§ 790.8, 156, 158.1, 160	C	C	C
731.57	Automobile Gas Station	§ 790.14	C	-	-
731.58	Automotive Service Station	§ 790.17	C	-	-
731.59	Automotive Repair	§ 790.15	C	C	-
731.60	Automotive Wash	§ 790.18	C	-	-
731.61	Automobile Sale or Rental	§ 790.12	C	-	-
731.62	Animal Hospital	§ 790.6	C	C	-

1	731.63	Ambulance Service	§ 790.2	C	-	-
2						
3	731.64	Mortuary	§ 790.62	C	C	C
4						
5	731.65	Trade Shop	§ 790.124	P	C	C
6	731.66	Storage	§ 790.117	C	C	C
7	731.67	Video Store	§ 790.135	C	C	C
8	Institutions and Non-Retail Sales and Services					
9						
10	731.70	Administrative Service	§ 790.106	C	C	C
11						
12	731.80	Hospital or Medical Center	§ 790.44	C	C	C
13						
14						
15	731.81	Other Institutions, Large	§ 790.50	P	P	P
16						
17						
18	731.82	Other Institutions, Small	§ 790.51	P	P	P
19						
20						
21	731.83	Public Use	§ 790.80	C	C	C
22						
23	731.84	Medical Cannabis	§ 790.141	P #	-	-
24						
25						

	Dispensary				
RESIDENTIAL STANDARDS AND USES					
731.90	Residential Use	§ 790.88	P, except C for frontages listed in 145.1(d)	P	P
731.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	No residential 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. § 207.4, 207.6		
731.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	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. § 208		
731.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)		
731.94	Off-Street Parking, Residential	§§ 150, 153-157, 159-160, 204.5	None required. P up to 0.5; C up to 0.75. Not permitted above .75 cars for each dwelling unit. § 151.1, 166, 167, 145.1		
731.95	Community Residential Parking	§ 790.10, 145.1, 166	C	C	C

SPECIFIC PROVISIONS FOR NCT-3 DISTRICTS

TABLE INSET:

Article 7 Code Section	Other Code Section	Zoning Controls
§ 731.30 § 731.31	§ 608.10	UPPER MARKET STREET SPECIAL SIGN DISTRICT

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§ 731.32		
		Boundaries: Applicable only for the portion of the Market Street NCT-3 District from Octavia to Church Streets as mapped on Sectional Map SSD
		Controls: Special restrictions and limitations for signs
§ 731.84 § 790.141	Health Code § 3308	Medical cannabis dispensaries in NCT-3 District may only operate between the hours of 8 am and 10 pm.

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

By: 
ANDREA RUIZ ESQUIDE
Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 081100

Date Passed:

Ordinance amending the San Francisco Planning Code by amending Section 263.20 to provide for a special height exception for ground floor uses in the Neighborhood Commercial Districts; amending Sections 703.1, 710.1, 711.1, 712.1, 713.1, 715.1, 716.1, 717.1, 718.1, 719.1, 720.1, 721.1, 723.1, 724.1, 725.1, 726.1, 727.1, 728.1, 729.1, 730.1, 731.1, 732.1, to refer to this special height exception; adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

October 7, 2008 Board of Supervisors — SUBSTITUTED

December 9, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

December 16, 2008 Board of Supervisors — FINALLY PASSED

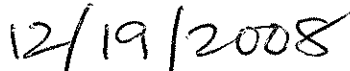
Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 081100

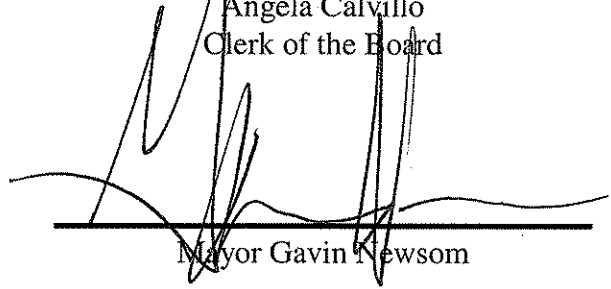
I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on December 16, 2008 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board



Date Approved



Mayor Gavin Newsom