

1 [Planning Code, Zoning Map - Establishing the Divisadero Street Neighborhood Commercial
2 District and Deleting the Divisadero Street Restricted Use District]

3 **Ordinance amending the Planning Code to establish the Divisadero Street**
4 **Neighborhood Commercial District (NCD) along Divisadero Street between Haight and**
5 **O'Farrell Streets, deleting the Divisadero Street Alcohol Restricted Use District (RUD),**
6 **amending various other Code sections to make conforming and other technical**
7 **changes, amending the Zoning Map to add the Divisadero Street NCD and deleting the**
8 **Divisadero Street RUD, affirming the Planning Department's California Environmental**
9 **Quality Act determination; and making findings of consistency with the General Plan,**
10 **and the eight priority policies of Planning Code, Section 101.1.**

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12 **NOTE:** **Unchanged Code text and uncodified text** are in plain Ariel font.
13 **Additions to Codes** are in *single-underline italics Times New Roman font*.
14 **Deletions to Codes** are in *strike-through italics Times New Roman font*.
15 **Board amendment additions** are in double-underlined Ariel font.
16 **Board amendment deletions** are in ~~strikethrough Ariel font~~.
17 **Asterisks (* * *)** indicate the omission of unchanged Code
18 subsections or parts of tables.

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

20 Section 1. Findings.

21 (a) The Planning Department has determined that the actions contemplated in this
22 ordinance comply with the California Environmental Quality Act (California Public Resources
23 Code Section 21000 et seq.). The Board of Supervisors hereby affirms this determination.
24 Said determination is on file with the Clerk of the Board of Supervisors in File No. 120796 and
25 is incorporated herein by reference.

1 (b) On June 13, 2013, the Planning Commission, in Resolution No. 18906, adopted
2 findings that the actions contemplated in this ordinance are consistent, on balance, with the
3 City's General Plan and the priority policies of Planning Code Section 101.1. The Board
4 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
5 Board of Supervisors in File No. 120796.
6

7 Section 2. The Planning Code is hereby amended by adding Section 746.1 and the
8 accompanying Zoning Control Table, to read as follows:

9 **SEC. 746.1. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

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

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

23 Consistent with Divisadero Street's existing mixed-use character, new commercial development
24 is permitted at the ground and second stories. Most neighborhood-serving businesses are strongly
25 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 retail stores, personal services, and medical, business and professional offices. Additional flexibility is offered for second-floor Eating and Drinking, Entertainment, and Trade Shop uses in existing non-residential buildings to encourage the preservation and reuse of such buildings. Hotels are monitored at all stories. Limits on late-night activity, drive-up facilities, and other automobile uses protect the livability within and around the district, and promote continuous retail frontage.

SEC. 746. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

			<u>Divisadero Street</u>
<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<u>BUILDING STANDARDS</u>			
<u>746.10</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>746.11</u>	<u>Lot Size</u> <u>[Per Development]</u>	<u>§§ 121.1, 790.56</u>	<u>P up to 9,999 sq. ft.; C 10,000 sq. ft. & above</u>
<u>746.12</u>	<u>Rear Yard</u>	<u>§§ 130, 134, 136</u>	<u>Required at the second story and above and at all</u>

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			<i>residential levels § 134(a) and (e)</i>
<u>746.13</u>	<u>Street Frontage</u>	<u>§ 145.1</u>	<u>Required</u>
<u>746.13a</u>	<u>Street Frontage, Above Grade</u> <u>Parking Setback and Active Uses</u>	<u>§ 145.1</u>	<u>Minimum 25 feet on ground floor, 15 feet on floors above</u>
<u>746.13b</u>	<u>Street Frontage, Required</u> <u>Ground Floor Commercial</u>	<u>§ 145.4</u>	<u>Required along Divisadero Street between Haight and O'Farrell Streets</u>
<u>746.14</u>	<u>Awning</u>	<u>§ 136.1(a)</u>	<u>P</u>
<u>746.15</u>	<u>Canopy</u>	<u>§ 136.1(b)</u>	<u>P</u>
<u>746.16</u>	<u>Marquee</u>	<u>§ 136.1(c)</u>	<u>P</u>
<u>746.17</u>	<u>Streetscape and Pedestrian Improvements</u>	<u>§ 138.1</u>	<u>Required</u>
<u>COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES</u>			
<u>746.20</u>	<u>Floor Area Ratio</u>	<u>§§ 102.9, 102.11, 123</u>	<u>2.5 to 1</u> <u>§ 124(a) and (b)</u>
<u>746.21</u>	<u>Use Size</u> <u>[Non-Residential]</u>	<u>§ 790.130, § 121.2</u>	<u>P up to 3,999 sq. ft.;</u> <u>C 4,000 sq. ft. & above</u>
<u>746.22</u>	<u>Off-Street Parking, Non-</u>	<u>§§ 145.1, 150, 151.1, 153</u>	<u>None required. Maximum</u>

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	<u>residential</u>	<u>- 157, 159 - 160, 204.5</u>	<u>permitted as set forth in Section 151.1</u>		
<u>746.23</u>	<u>Off-Street Freight Loading</u>	<u>§§ 150, 153 - 155, 204.5, 152, 161(b)</u>	<u>Generally, none required if gross floor area is less than 10,000 sq. ft.</u>		
<u>746.24</u>	<u>Outdoor Activity Area</u>	<u>§§ 790.70, 145.2(a)</u>	<u>P if located in front; C if located elsewhere</u>		
<u>746.25</u>	<u>Drive-Up Facility</u>	<u>§ 790.30</u>			
<u>746.26</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>746.27</u>	<u>Hours of Operation</u>	<u>§ 790.48</u>	<u>P 6 a.m. - 2 a.m.;</u> <u>C 2 a.m. - 6 a.m.</u>		
<u>746.30</u>	<u>General Advertising Sign</u>	<u>§§ 262, 602 - 604, 608, 609</u>			
<u>746.31</u>	<u>Business Sign</u>	<u>§§ 262, 602 - 604, 607.1(f)(2), 608, 609</u>	<u>P</u>		
<u>746.32</u>	<u>Other Signs</u>	<u>§§ 262, 602 - 604, 607.1(c), (d), and (g), 608, 609</u>	<u>P</u>		
			<u>Divisadero Street</u>		
<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls by Story</u>		
		<u>§ 790.118</u>	<u>1st</u>	<u>2nd</u>	<u>3rd+</u>
<u>746.36</u>	<u>Residential Conversion</u>	<u>§ 317</u>	<u>P</u>	<u>C</u>	

1	<u>746.37</u>	<u>Residential Demolition</u>	<u>§ 317</u>	<u>P</u>	<u>C</u>	<u>C</u>
2	<u>746.38</u>	<u>Residential Division</u>	<u>§ 207.8</u>	<u>P</u>	<u>P</u>	<u>P</u>
3	<u>746.39</u>	<u>Residential Merger</u>	<u>§ 317</u>	<u>C</u>	<u>C</u>	<u>C</u>
4	<u>Retail Sales and Services</u>					
5	<u>746.40</u>	<u>Other Retail Sales and Services</u>	<u>§ 790.102</u>	<u>P#</u>	<u>P#</u>	
6		<u>[Not Listed Below]</u>				
7	<u>746.41</u>	<u>Bar</u>	<u>§ 790.22</u>	<u>P</u>	<u>P #</u>	
8	<u>746.43</u>	<u>Limited-Restaurant</u>	<u>§ 790.90</u>	<u>P</u>	<u>P #</u>	
9	<u>746.44</u>	<u>Restaurant</u>	<u>§ 790.91</u>	<u>P</u>	<u>P #</u>	
10	<u>746.45</u>	<u>Liquor Store</u>	<u>§ 790.55</u>	<u>NP #</u>		
11	<u>746.46</u>	<u>Movie Theater</u>	<u>§ 790.64</u>	<u>P</u>	<u>P #</u>	
12	<u>746.47</u>	<u>Adult Entertainment</u>	<u>§ 790.36</u>			
13	<u>746.48</u>	<u>Other Entertainment</u>	<u>§ 790.38</u>	<u>P</u>	<u>P #</u>	
14	<u>746.49</u>	<u>Financial Service</u>	<u>§ 790.110</u>	<u>C</u>		
15	<u>746.50</u>	<u>Limited Financial Service</u>	<u>§ 790.112</u>	<u>P</u>		
16	<u>746.51</u>	<u>Medical Service</u>	<u>§ 790.114</u>	<u>P</u>	<u>P</u>	
17	<u>746.52</u>	<u>Personal Service</u>	<u>§ 790.116</u>	<u>P</u>	<u>P</u>	
18	<u>746.53</u>	<u>Business or Professional Service</u>	<u>§ 790.108</u>	<u>P</u>	<u>P</u>	
19	<u>746.54</u>	<u>Massage Establishment</u>	<u>§ 790.60</u>	<u>C</u>		
20			<u>§§ 29.1 - 29.32 Health</u>			
21			<u>Code</u>			
22	<u>746.55</u>	<u>Tourist Hotel</u>	<u>§ 790.46</u>	<u>C</u>	<u>C</u>	<u>C</u>
23	<u>746.56</u>	<u>Automobile Parking</u>	<u>§§ 790.8, 145.1, 156, 160</u>	<u>C</u>		
24	<u>746.57</u>	<u>Automotive Gas Station</u>	<u>§ 790.14</u>	<u>C</u>		
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1	<u>746.58</u>	<u>Automotive Service Station</u>	<u>§ 790.17</u>	<u>C</u>		
2	<u>746.59</u>	<u>Automotive Repair</u>	<u>§ 790.15</u>	<u>C</u>		
3	<u>746.60</u>	<u>Automotive Wash</u>	<u>§ 790.18</u>			
4	<u>746.61</u>	<u>Automobile Sale or Rental</u>	<u>§ 790.12</u>			
5	<u>746.62</u>	<u>Animal Hospital</u>	<u>§ 790.6</u>	<u>C</u>		
6	<u>746.63</u>	<u>Ambulance Service</u>	<u>§ 790.2</u>			
7	<u>746.64</u>	<u>Mortuary</u>	<u>§ 790.62</u>			
8	<u>746.65</u>	<u>Trade Shop</u>	<u>§ 790.124</u>	<u>P</u>	<u>P #</u>	
9	<u>746.66</u>	<u>Storage</u>	<u>§ 790.117</u>			
10	<u>746.68</u>	<u>Fringe Financial Service</u>	<u>§ 790.111</u>	<u>NP #</u>		
11	<u>746.69</u>	<u>Tobacco Paraphernalia</u>	<u>§ 790.123</u>	<u>C</u>		
12		<u>Establishments</u>				
13	<u>746.69B</u>	<u>Amusement Game Arcade</u>	<u>§ 790.4</u>	<u>C</u>		
14		<u>(Mechanical Amusement Devices)</u>				
15	<u>746.69C</u>	<u>Neighborhood Agriculture</u>	<u>§ 102.35(a)</u>	<u>P</u>	<u>P</u>	<u>P</u>
16	<u>746.69D</u>	<u>Large-Scale Urban Agriculture</u>	<u>§ 102.35(b)</u>	<u>C</u>	<u>C</u>	<u>C</u>
17	<u>Institutions and Non-Retail Sales and Services</u>					
18	<u>746.70</u>	<u>Administrative Service</u>	<u>§ 790.106</u>			
19	<u>746.80</u>	<u>Hospital or Medical Center</u>	<u>§ 790.44</u>			
20	<u>746.81</u>	<u>Other Institutions, Large</u>	<u>§ 790.50</u>	<u>P</u>	<u>C</u>	<u>C</u>
21	<u>746.82</u>	<u>Other Institutions, Small</u>	<u>§ 790.51</u>	<u>P</u>	<u>P</u>	<u>P</u>
22	<u>746.83</u>	<u>Public Use</u>	<u>§ 790.80</u>	<u>C</u>	<u>C</u>	<u>C</u>
23	<u>746.84</u>	<u>Medical Cannabis Dispensary</u>	<u>§ 790.141</u>	<u>P #</u>		
24	<u>746.85</u>	<u>Philanthropic Administrative</u>	<u>§ 790.107</u>		<u>P #</u>	

	<u>Service</u>				
<u>RESIDENTIAL STANDARDS AND USES</u>					
746.90	<u>Residential Use</u>	§ 790.88	<u>P</u>	<u>P</u>	<u>P</u>
746.91	<u>Residential Density, Dwelling Units</u>	§§ 207, 207.1, 207.4, 790.88(a)	<u>Generally, 1 unit per 800 sq. ft. lot area</u>		
746.92	<u>Residential Density, Group Housing</u>	§§ 207.1, 208, 790.88(b)	<u>Generally, 1 bedroom per 275 sq. ft. lot area</u>		
746.93	<u>Usable Open Space</u> <u>[Per Residential Unit]</u>	§§ 135, 136	<u>Generally, either 100 sq. ft. if private, or 133 sq. ft. if common § 135(d)</u>		
746.94	<u>Off-Street Parking, Residential</u>	§§ 150, 151.1, 153 - 157, 159 - 160	<u>None required. P up to .5 cars per unit, C up to .75 cars per unit, NP above</u>		
746.95	<u>Community Residential Parking</u>	§ 790.10	<u>C</u>		

SPECIFIC PROVISIONS FOR THE DIVISADERO STREET

NEIGHBORHOOD COMMERCIAL DISTRICT

<u>Article 7 Code Section</u>	<u>Other Code Section</u>	<u>Zoning Controls</u>
746.41		<u>A Bar, Restaurant, Limited-Restaurant, Movie Theater, Other Entertainment, Trade Shop, or Philanthropic Administrative Service use is permitted on the Second Story of existing buildings which have had no immediately prior second-story Residential Use.</u>
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<u>746.85</u>		
<u>§ 746.40</u>		<u>(a) Liquor Stores are not permitted within the Divisadero Street NCD.</u>
<u>§ 746.45</u>		<u>Liquor Store uses which become inactive for more than 180 days may not</u>
		<u>be reestablished. A lawfully existing Liquor Store may relocate within the</u>
		<u>district with Conditional Use authorization;</u>
		<u>(b) Liquor Stores, General Grocery Stores, and Specialty Grocery Stores</u>
		<u>shall comply with the following Good Neighbor requirements:</u>
		<u>(1) The business operator shall maintain the main entrance to the</u>
		<u>building and all sidewalks abutting the subject property in a clean and</u>
		<u>sanitary condition in compliance with the Department of Public Works</u>
		<u>Streets and Sidewalk Maintenance Standards. In addition, the operator</u>
		<u>shall be responsible for daily monitoring of the sidewalk within a one-</u>
		<u>block radius of the subject business to maintain the sidewalk free of litter</u>
		<u>associated with the business during business hours, in accordance with</u>
		<u>Article 1, Section 34 of the San Francisco Police Code.</u>
		<u>For information about compliance, contact Bureau of Street Use</u>
		<u>and Mapping, Department of Public Works.</u>
		<u>(2) The business operator shall provide outside lighting in a</u>
		<u>manner sufficient to illuminate street and sidewalk areas and adjacent</u>
		<u>parking, as appropriate to maintain security, without disturbing area</u>
		<u>residences.</u>
		<u>(3) No more than one-third of the square footage of the windows</u>
		<u>and clear doors of the business shall bear advertising or signage of any</u>
		<u>sort, and all advertising and signage shall be placed and maintained in a</u>
		<u>manner that ensures that law enforcement personnel have a clear and</u>

		<u>unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance to the premises.</u>
§ 746.68	§ 249.35	<p><u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u></p> <p><u>Boundaries:</u> <i>The FFSRUD and its ¼ mile buffer includes, but is not limited to, properties within the Divisadero Street NCD.</i></p> <p><u>Controls:</u> <i>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>
§ 746.84	§ 790.141 Health Code § 3308	<u>Medical Cannabis Dispensaries may only operate between the hours of 8 a.m. and 10 p.m.</u>

Section 3. The San Francisco Planning Code is hereby amended by deleting Section 783, as follows:

~~SEC. 783. DIVISADERO STREET ALCOHOL RESTRICTED USE DISTRICT ESTABLISHED.~~

~~There are an unusually large number of establishments dispensing alcoholic beverages, including beer and wine, for off-site consumption in the Small-Scale Neighborhood Commercial District along Divisadero Street between Haight and Geary Streets. The existence of this many alcoholic beverage establishments appears to contribute directly to numerous peace, health, safety and general welfare problems in the area, including loitering, littering, public drunkenness, defacement and damaging of structures, pedestrian obstructions, as well as traffic circulation, parking and noise problems on public streets and neighborhood lots. The existence of such problems creates serious~~

1 ~~impacts on the health, safety and welfare of residents of nearby single and multiple family areas,~~
2 ~~including fear for the safety of children, elderly residents and of visitors to the area. The problems also~~
3 ~~contribute to the deterioration of the neighborhood and concomitant devaluation of property and~~
4 ~~destruction of community values and quality of life. The number of establishments selling alcoholic~~
5 ~~beverages and the associated problems discourage more desirable and needed commercial uses in the~~
6 ~~area.~~

7 ~~(a) In order to preserve the residential character and the neighborhood-serving commercial~~
8 ~~uses of the area, the Divisadero Street Alcohol Restricted Use District (Divisadero Street Alcohol~~
9 ~~RUD) is hereby established for the properties in the Small-Scale Neighborhood Commercial District~~
10 ~~along Divisadero Street between Haight and Geary Streets, as designated on Sectional Map numbers 2~~
11 ~~and 7. The Divisadero Street Alcohol RUD is designated on Sectional Map Numbers 2SU and 8SU.~~

12 ~~(1) No new off-sale liquor establishments shall be permitted in the Divisadero Street~~
13 ~~Alcohol RUD.~~

14 ~~(2) The prohibition on Liquor Establishments shall not be interpreted to prohibit the~~
15 ~~following:~~

16 ~~(A) Temporary uses, as described in Planning Code Section 205.1 or 205.3; or~~

17 ~~(B) Establishment of a Liquor Establishment if an application for such Liquor~~
18 ~~Establishment is on file with the California Department of Alcoholic Beverage Control prior to the~~
19 ~~effective date of legislation establishing the Divisadero Street Alcohol RUD.~~

20 ~~(C) Re-location of an existing liquor establishment from outside the Divisadero~~
21 ~~Street Alcohol RUD to a location within the Divisadero Street Alcohol RUD if that liquor establishment~~
22 ~~received conditional use authorization from the City Planning Commission prior to the effective date of~~
23 ~~this legislation.~~

1 ~~(3) Continuation of Existing Prohibited Liquor Establishments. In the Divisadero~~
2 ~~Street Alcohol RUD, any Prohibited Liquor Establishment may continue in accordance with Planning~~
3 ~~Code Section 180 through 186.2, subject to the following provisions:~~

4 ~~(A) A Prohibited Liquor Establishment lawfully existing and selling alcoholic~~
5 ~~beverages as licensed by the State of California prior to the effective date of this legislation, or~~
6 ~~subsequent legislation prohibiting that type of Liquor Establishment, so long as otherwise lawful, may~~
7 ~~continue to operate only under the following conditions, as provided by California Business and~~
8 ~~Professions Code Section 23790;~~

9 ~~(1) Except as provided by Subsection (B) below, the premises shall retain~~
10 ~~the same type of retail liquor license within a license classification; and~~

11 ~~(2) Except as provided by Subsection (B) below, the licensed premises~~
12 ~~shall be operated continuously, without substantial change in mode or character of operation.~~

13 ~~(B) A break in continuous operation shall not be interpreted to include the~~
14 ~~following, provided that the location of the establishment does not change, the square footage used for~~
15 ~~the sale of alcoholic beverages does not increase, and the type of California Department of Alcoholic~~
16 ~~Beverage Control Liquor License ("ABC License") does not change except as indicated:~~

17 ~~(1) A change in ownership of a Prohibited Liquor Establishment or an~~
18 ~~owner-to-owner transfer of an ABC License; or~~

19 ~~(2) Re-establishment, restoration or repair of an existing Prohibited~~
20 ~~Liquor Establishment on the same lot after total or partial destruction or damage due to fire, riot,~~
21 ~~insurrection, toxic accident or act of God; or~~

22 ~~(3) Temporary closure of an existing Prohibited Liquor Establishment~~
23 ~~for not more than ninety (90) days for repair, renovation or remodeling;~~

24 ~~(4) Re-location of an existing Prohibited Liquor Establishment in the~~
25 ~~Divisadero Street Alcohol RUD to another location within the same Divisadero Street Alcohol RUD~~

1 ~~with conditional use authorization from the City Planning Commission, provided that the original~~
2 ~~premises shall not be occupied by a Prohibited Liquor Establishment, unless by another Prohibited~~
3 ~~Liquor Establishment that is also relocating from with the Divisadero Street Alcohol RUD.~~

4 ~~(b) The following shall apply to all liquor establishments in the Divisadero Street Alcohol RUD~~
5 ~~in order to maintain the safety of the premises and vicinity:~~

6 ~~(1) Liquor establishments shall provide outside lighting in a manner sufficient to~~
7 ~~illuminate street and sidewalk areas and adjacent parking, as appropriate to maintain security, without~~
8 ~~disturbing area residences;~~

9 ~~(2) No more than 33 percent of the square footage of the windows and clear doors of~~
10 ~~Liquor establishments shall bear advertising or signage of any sort, and all advertising and signage~~
11 ~~shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear~~
12 ~~and unobstructed view of the interior of the premises, including the area in which the cash registers are~~
13 ~~maintained, from the exterior public sidewalk or entrance to the premises. This requirement shall not~~
14 ~~apply to premises where there are no windows, or where existing windows are located at a height that~~
15 ~~precludes a view of the interior of the premises to a person standing outside the premises.~~

16 ~~(c) **Definitions.**~~

17 ~~(1) A "liquor establishment" shall mean any enterprise selling alcoholic beverages, as~~
18 ~~defined by California Business and Professions Code Section 23004 and 23025, pursuant to a~~
19 ~~California Alcoholic Beverage Control Board license.~~

20 ~~(2) An "off-sale liquor establishment" shall mean any establishment that is defined in~~
21 ~~Section 790.55 of this Code.~~

22 ~~(3) A "prohibited liquor establishment" shall mean any establishment selling alcoholic~~
23 ~~beverages lawfully existing prior to the effective date of the establishment of the Divisadero Street~~
24 ~~Alcohol RUD and licensed by the State of California for the retail sale of alcoholic beverages for off-~~
25 ~~site consumption, so long as otherwise lawful.~~

1 ~~(d) Fringe Financial Services. In addition to all other applicable controls set forth in this Code,~~
 2 ~~properties in the Divisadero Street Alcohol Restricted Use District are within the Fringe Financial~~
 3 ~~Service Restricted Use District established by Section 249.35 and are subject to the controls and~~
 4 ~~exemptions set forth in Section 249.35.~~

5
 6 Section 4. The Planning Code is hereby amended by revising Tables 135A and 151.1,
 7 Sections 151.1, 201, 207.5, 243, 249.35, 263.20, 607.1, 702.1, 702.3, and 790.55 and the
 8 Zoning Control Tables in Sections 711, 714, 722, 739, 740, 741, 742, 810 and 811, to read as
 9 follows:

TABLE 135A MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING OUTSIDE THE EASTERN NEIGHBORHOODS MIXED USE DISTRICT		
District	Square Feet Of Usable Open Space Required For Each Dwelling Unit If All Private	Ratio of Common Usable Open Space That May Be Substituted for Private

<u>Neighborhood Commercial General Area Districts,</u> <u>Neighborhood Commercial Transit Districts, Named Neighborhood Commercial General Area Districts, and Named Neighborhood Commercial Transit Districts established in</u>	<u>See the Zoning Control Table for the District</u> 100	1.33

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<p><i>Article 7 NC-1, NC-2, NCT-1, NCT-2, NC-S, Inner Sunset, Sacramento Street, West Portal Avenue, Ocean Avenue, Glen Park</i></p>		
<p><i>NC-3, Castro Street, Inner Clement Street, Outer Clement Street, Upper Fillmore Street, Haight Street, Union Street, Valencia Street, 24th Street-Mission, 24th Street-Noe Valley, NCT-3, SoMa, Mission Street, Folsom Street, RCD</i></p>	<p>80</p>	<p>1.33</p>
<p><i>Broadway, Hayes-Gough, Upper Market Street, North Beach, Polk Street</i></p>	<p>60</p>	<p>1.33</p>
<p><i>Mixed Use Districts established in Article 8 Chinatown Community Business, Chinatown Residential Neighborhood Commercial,</i></p>	<p><i>See the Zoning Control Table for the District</i></p> <p>-48</p>	<p>1.00</p>

1	<i>Chinatown Visitor Retail</i>	
2	* * * *	

4 **SEC. 151.1. SCHEDULE OF PERMITTED OFF-STREET PARKING SPACES IN**
5 **SPECIFIED DISTRICTS.**

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

11 * * * *

12 **Table 151.1**

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

14 Use or Activity	15 Number of Off-Street Car Parking Spaces or Space Devoted to Off-Street Car Parking Permitted
16 * * * *	
17 Dwelling units and SRO units in NCT, <u>RC</u> , C- 18 M, RSD, <u>and SLR Districts</u> , <u>and Chinatown</u> 19 <u>Mixed Use Districts</u> , <u>and the Broadway,</u> 20 <u>Divisadero Street, Fillmore Street, North Beach,</u> 21 <u>and the Upper Market NCD Neighborhood</u> 22 <u>Commercial Districts</u> , except as specified 23 below.	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 151.1(g); NP above 0.75 cars for each dwelling unit.
24 Dwelling units in the <u>Glen Park and Ocean</u> 25 <u>Avenue NCT Districts</u> and <u>the Excelsior Outer</u>	P up to one car for each unit; NP above.

<p>1 <i>Mission Street Neighborhood Commercial Glen</i> 2 <i>Park NCT District</i></p>	
<p>3 4 <i>Dwelling units in the Folsom Street NCT and RCD</i> 5 <i>Districts</i> 6</p>	<p><i>P up to one car for each two dwelling units; up to 0.75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(g); NP above 0.75 cars for each dwelling unit.</i></p>

7
8 **SEC. 201. CLASSES OF USE DISTRICTS.**

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

11 * * * *

12 **Named Neighborhood Commercial Districts**

13 (Defined in Sec. 702.1)

14 Broadway Neighborhood Commercial District (Defined in Sec. 714.1)

15 Castro Street Neighborhood Commercial District (Defined in Sec. 715.1)

16 Inner Clement Street Neighborhood Commercial District (Defined in Sec. 716.1)

17 Outer Clement Street Neighborhood Commercial District (Defined in Sec. 717.1)

18 *Divisadero Street Neighborhood Commercial District (Defined in Sec. 746.1)*

19 *Excelsior Outer Mission Neighborhood Commercial District (Defined in Sec. 745.1)*

20 Fillmore Street Neighborhood Commercial District (Defined in Sec. 747.1)

21 Upper Fillmore Street Neighborhood Commercial District (Defined in Sec. 718.1)

22 Haight Street Neighborhood Commercial District (Defined in Sec. 719.1)

23 Inner Sunset Neighborhood Commercial District (Defined in Sec. 730.1)

24 *Irving Street Neighborhood Commercial District (Defined in 740.1)*
25

1 Judah Street Neighborhood Commercial District (Defined in Sec. 742.1)

2 Upper Market Street Neighborhood Commercial District (Defined in Sec. 721.1)

3 *Noriega Street Neighborhood Commercial District (Defined in Sec. 739.1)*

4 North Beach Neighborhood Commercial District (Defined in Sec. 722.1)

5 Pacific Avenue Neighborhood Commercial District (Defined in Sec. 732.1)

6 Polk Street Neighborhood Commercial District (Defined in Sec. 723.1)

7 Regional Commercial District (Defined in Sec. 744.1)

8 Sacramento Street Neighborhood Commercial District (Defined in Sec. 724.1)

9 Inner Sunset Neighborhood Commercial District (Defined in Sec. 730.1)

10 *Taraval Street Neighborhood Commercial District (Defined in 741.1)*

11 24th Street-Noe Valley Neighborhood Commercial District (Defined in Sec. 728.1)

12 Union Street Neighborhood Commercial District (Defined in Sec. 725.1)

13 West Portal Avenue Neighborhood Commercial District (Defined in Sec. 729.1)

14 *Noriega Street Neighborhood Commercial District (Defined in Sec. 739.1)*

15 *Irving Street Neighborhood Commercial District (Defined in 740.1)*

16 *Taraval Street Neighborhood Commercial District (Defined in 741.1)*

17 *Judah Street Neighborhood Commercial District (Defined in Sec. 742.1)*

18 *Regional Commercial District (Defined in Sec. 744)*

19 *Excelsior Outer Mission Neighborhood Commercial District (Defined in Sec. 745.1)*

20 * * * *

21 **Named Neighborhood Commercial Transit Districts (NCT)**

22 (Defined in Sec. 702.1)

23 *Folsom Street NCT (Defined in Sec. 743.1)*

24 *Glen Park NCT (Defined in Sec. 738.1)*

1	Hayes-Gough NCT (Defined in Sec. 720.1)
2	Upper Market Street NCT (Defined in Sec. 733.1)
3	<i>Valencia Street NCT (Defined in Sec. 726.1)</i>
4	<i>24th Street - Mission NCT (Defined in Sec. 727.1)</i>
5	Mission Street NCT (Defined in Sec. 736.1)
6	<i>SoMa NCT (Defined in Sec. 735.1)</i>
7	Ocean Avenue NCT (Defined in Sec. 737.1)
8	<i>Glen Park NCT (Defined in Sec. 738.1)</i>
9	<i>Folsom Street NCT (Defined in Sec. 743.1)</i>
10	Regional Commercial District (Defined in Sec. 744.1)
11	<i>SoMa NCT (Defined in Sec. 735.1)</i>
12	<i>24th Street - Mission NCT (Defined in Sec. 727.1)</i>
13	<i>Valencia Street NCT (Defined in Sec. 726.1)</i>

SEC. 207.5. DENSITY OF DWELLING UNITS IN MIXED USE DISTRICTS.

(a) The dwelling unit density in the Chinatown Mixed Use District shall be at a density ratio not exceeding the amount set forth in the *specific district tables in Article 8 following Table 207.5(a):*

*Table 207.5(a)
Density of Dwelling Units in
Chinatown Mixed Use Districts*

<i>General Area District</i>	<i>Residential Density Limits</i>
------------------------------	---------------------------------------

<i>Chinatown Community Business</i>	<i>One dwelling unit for each 200 sq. ft. of lot area</i>
<i>Chinatown Residential Neighborhood Commercial</i>	<i>One dwelling unit for each 200 sq. ft. of lot area</i>
<i>Chinatown Visitor Retail</i>	<i>One dwelling unit for each 200 sq. ft. of lot area</i>

(b) Except as indicated in Paragraph (c) below, the dwelling unit density in the South of Market Mixed Use Districts shall be as specified in the specific district tables in Article 8 ~~shall not exceed the amount set forth in the following table:~~

**Table 207.5(b)
Density of Dwelling Units in
South of Market Mixed Use Districts**

<i>General Area District</i>	<i>Residential Density Limits</i>
<i>Residential Service (RSD) Service/Light Industrial/Residential (SLR); Service/Secondary Office (SSO)</i>	<i>One dwelling unit for each 200 sq. ft. of lot area except that which project above 40 feet in height, a higher density may be allowed as a conditional use in accordance with the provisions of 303(e) of this Code.</i>

1 (c) There shall be no density limit for single room occupancy (SRO) units in any South
2 of Market Mixed Use District.

3 (d) There shall be no density limit for any residential use, as defined by Section 890.88
4 in any DTR district.

5 (e) There shall be no density limits for any residential use, as defined by Section
6 890.88, in the Eastern Neighborhoods Mixed Use Districts.

7
8 **SEC. 243. VAN NESS SPECIAL USE DISTRICT.**

9 * * * *

10 (c) **Controls.** All provisions of the ~~City~~ Planning Code applicable to an RC-4 District
11 shall apply except as otherwise provided in this Section.

12 * * * *

13 **(9) Limitation of Nonresidential Uses.**

14 * * * *

15 (F) **Residential Parking.** *Pursuant to Table 151 in Article 1.5 of this Code, the*
16 *residential parking requirement shall be one space for each dwelling unit; provided, however, that the*
17 *Zoning Administrator may reduce the parking requirement to not less than one space for each four*
18 *dwelling units pursuant to the procedures and criteria of Sections 307(g) and (i) of this Code.*

19 ~~(G)~~ **Medical Center Parking.** Notwithstanding any contrary provision of
20 this Code, the maximum parking provisions for the Van Ness Medical Use Subdistrict shall not
21 exceed the lesser of 990 spaces or 125% of the minimum number of spaces required by Code
22 in the aggregate for the Cathedral Hill Campus which, for purposes of this subsection, shall be
23 the Van Ness Medical Use District and Assessor's Block 0690, Lot 016, located at 1375 Sutter
24 Street. Any parking sought up to this maximum but that exceeds the parking provisions
25

1 outlined elsewhere in this Code may only be granted by the Planning Commission as a
2 Conditional Use Authorization.

3 ~~(G)~~ ~~(H)~~ **Medical Center Loading.** Loading standards for medical centers
4 within the Van Ness Medical Use Subdistrict applicable under Section 154(b) may be reduced
5 from the required minimum dimensions through a Conditional Use Authorization, provided that
6 the dimensions provided will be sufficient to meet the reasonably foreseeable loading
7 demands associated with the proposed facility.

8 ~~(H)~~ ~~(I)~~ **Adult Entertainment Enterprises.** The uses described in Section
9 221(k) of this Code are not permitted.

10 ~~(I)~~ ~~(J)~~ **Other Entertainment Uses.** Other Entertainment Uses as defined
11 in Section 790.38 of this Code shall require notification as set forth in Section 312 of this
12 Code.

13 ~~(K) **Formula Retail Uses.** Formula Retail uses, as defined in Section 303(i) of~~
14 ~~this Code, shall be permitted, subject to a Conditional Use Authorization, in parcels zoned RC-3 or RC-~~
15 ~~4 that are within the Van Ness SUD.~~

16 ~~(J)~~ ~~(L)~~ **Medical Center Street Frontages.** If authorized as a Conditional
17 Use under Section 303 of this Code, a medical center within the Van Ness Medical Use
18 Subdistrict may deviate from the street frontage requirements of Section 145.1 of this Code,
19 so long as the Planning Commission finds that the proposed street frontages otherwise
20 achieve the intended purposes of Section 145.1 to "preserve, enhance and promote
21 attractive, clearly defined street frontages that are pedestrian-oriented, fine-grained, and
22 which are appropriate and compatible with the buildings and uses" in the surrounding areas.

23 * * * *

24 **SEC. 249.35. FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT.**

25 * * * *

1 **(b) Establishment of the Fringe Financial Service Restricted Use District.** In order
2 to preserve the residential character and the neighborhood-serving commercial uses of the
3 following defined areas, a noncontiguous Fringe Financial Service Restricted Use District
4 (Fringe Financial Service RUD) is hereby established for the following properties:

5 (1) Properties in the Mission Alcoholic Beverage Special Use District, as
6 described in Section ~~249.60 781.8~~ of this Code and as designated on *Zoning Sectional Maps*
7 *Numbers* SU07 and SU08 of the Zoning Map of the City and County of San Francisco;

8 (2) Properties in the North of Market Residential Special Use District, as
9 described in Section 249.5 of this Code and as designated on *Zoning Sectional Maps Numbers*
10 SU01 and SU02 *of the Zoning Map of the City and County of San Francisco*;

11 (3) Properties in *NC-1 and NCT-3 Districts, and in the Broadway (Sec. 714), Castro*
12 *Street (Sec. 715), Inner Clement Street (Sec. 716), Outer Clement Street (Sec. 717), Divisadero Street*
13 *(Sec. 746), Alcohol Restricted Use District, as described in Section 783 of this Code and as designated*
14 *on Zoning Maps Numbers SU02 and SU07 of the Zoning Map of the City and County of San Francisco*
15 *and the Excelsior Outer Mission Street (Sec. 745), Fillmore Street (Sec. 747), Upper Fillmore*
16 *Street (Sec. 718), Haight Street (Sec. 719), Upper Market Street (Sec. 721), Upper Market Street NCT*
17 *(Sec. 733), Mission Street (Sec. 736), North Beach (Sec. 722), Pacific Avenue (Sec. 732), Sacramento*
18 *Street (Sec. 724), Inner Sunset (Sec. 730), 24th Street – Mission (Sec. 727), 24th Street – Noe Valley*
19 *(Sec. 728), Union Street (Sec. 725), Valencia Street (Sec. 726), and West Portal Avenue (Sec. 729)*
20 *Neighborhood Commercial Districts, as described in Section 745 of this Code and as designated on*
21 *Zoning Map ZN08 of the Zoning Map of the City and County of San Francisco*;

22 (4) Properties in the Third Street Alcohol Restricted Use District, as described in
23 Section ~~249.62 782~~ of this Code and as designated on *Zoning Sectional Map Number* SU10 of
24 the Zoning Map of the City and County of San Francisco; and

1 (5) Properties in the Haight Street Alcohol Restricted Use Subdistrict, as
2 described in Section 781.9 of this Code and as designated on *Zoning Sectional Maps Numbers*
3 SU06 and SU07 of the Zoning Map of the City and County of San Francisco.

4 * * * *

5 **SEC. 263.20. SPECIAL HEIGHT EXCEPTION: ADDITIONAL FIVE FEET HEIGHT FOR**
6 **ACTIVE GROUND FLOOR USES IN CERTAIN DISTRICTS.**

7 * * * *

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

10 (1) project is located in a 30-X, 40-X or 50-X Height and Bulk District as
11 designated on the Zoning Map;

12 (2) project is located in one of the following districts:

13 (A) in an NCT district as designated on the Zoning Map;

14 (B) in the *24th Street—Noe Valley*, Castro Street, *Upper Market Street*, Inner
15 Clement Street, *and* Outer Clement Street, *NCDs*; Excelsior Outer Mission Street, Irving
16 Street, Judah Street, Noriega Street, Taraval Street, *and 24th Street – Noe Valley* NCDs;

17 * * * *

18 **SEC. 607.1. NEIGHBORHOOD COMMERCIAL AND RESIDENTIAL-COMMERCIAL**
19 **DISTRICTS.**

20 * * *

21 (e) **General Advertising Signs.** General advertising signs, as defined in Section
22 602.7, shall, where permitted by the zoning controls for the individual NC districts, conform to the
23 requirements of this subsection be permitted in Neighborhood Commercial Districts, except in the
24 Inner Sunset Neighborhood Commercial District where they are not permitted, as provided for below.

25 In NC Districts where such signs are permitted, general advertising signs may be either a wall

1 sign or freestanding, provided that the surface of any freestanding sign shall be parallel to and
2 within three feet of an adjacent building wall. In either case, the building wall shall form a
3 complete backdrop for the sign, as the sign is viewed from all points from a street or alley from
4 which it is legible. No general advertising sign shall be permitted to cover part or all of any
5 windows. Any extension of the copy beyond the rectangular perimeter of the sign shall be
6 included in the calculation of the sign, as defined in Section 602.1(a) of this Code.

7 (1) NC-2, NCT-2, ~~and~~ NC-S, and named NC and NCT Districts. No more than one
8 general advertising sign shall be permitted per lot or in NC-S Districts, per district. Such sign
9 shall not exceed 72 square feet in area nor exceed 12 feet in height. Such sign may be either
10 nonilluminated or indirectly illuminated.

11 (2) NC-3, and NCT-3, ~~and Broadway~~ Districts. No more than one general
12 advertising sign not exceeding 300 square feet or two general advertising signs of 72 square
13 feet each shall be permitted per lot. The height of any such sign shall not exceed 24 feet, or
14 the height of the wall to which it is attached, or the height of the lowest of any residential
15 windowsills on the wall to which it is attached, whichever is lower, if a wall sign, or the
16 adjacent wall or the top of the adjacent wall if a freestanding sign, whichever is lower.

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

20 * * * *

21 (2) RC, NC-2, NCT-2, NC-S, Broadway, Castro Street, Inner Clement Street,
22 Outer Clement Street, Divisadero Street, Excelsior Outer Mission Street, Fillmore Street, Upper
23 Fillmore Street, Folsom Street, Glen Park, Inner Sunset, Irving Street, Haight Street, Hayes-
24 Gough, Judah Street, Upper Market Street, Excelsior Outer Mission Street, Noriega Street,
25 North Beach, Ocean Avenue, Pacific Avenue, Polk Street, Regional Commercial District,

1 Sacramento Street, SoMa, Taraval Street, Union Street, Valencia Street, 24th Street -
2 Mission, 24th Street - Noe Valley, *and* West Portal Avenue, *Glen Park, RCD, and Folsom Street*
3 Neighborhood Commercial Districts.

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

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

13 (C) **Projecting Signs.** The number of projecting signs shall not exceed
14 one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 24
15 square feet. The height of such sign shall not exceed 24 feet, or the height of the wall to which
16 it is attached, or the height of the lowest of any residential windowsill on the wall to which the
17 sign is attached, whichever is lower. No part of the sign shall project more than 75 percent of
18 the horizontal distance from the street property line to the curblineline, or six feet six inches,
19 whichever is less. Such signs may be nonilluminated or indirectly illuminated; or during
20 business hours, may be directly illuminated.

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

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

11 * * * *

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

13 * * * *

Named Neighborhood Commercial Districts	Section Number
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
<i>Divisadero Street Neighborhood Commercial District</i>	<i>§ 746</i>
<i>Excelsior Outer Mission Street Neighborhood Commercial District</i>	<i>§ 745</i>
<u>Fillmore Street Neighborhood Commercial District</u>	<u>§ 747</u>
Upper Fillmore Street Neighborhood Commercial District	§ 718
Haight Street Neighborhood Commercial District	§ 719
<i>Irving Street Neighborhood Commercial District</i>	<i>§ 740</i>

1	<i>Judah Street Neighborhood Commercial District</i>	§ 742
2	Upper Market Street Neighborhood Commercial District	§ 721
3	<i>Noriega Street Neighborhood Commercial District</i>	§ 739
4	North Beach Neighborhood Commercial District	§ 722
5	<i>Pacific Avenue Neighborhood Commercial District</i>	§ 732
6	Polk Street Neighborhood Commercial District	§ 723
7	<i>Regional Commercial District</i>	§ 744.1
8	Sacramento Street Neighborhood Commercial District	§ 724
9	<i>Inner Sunset Neighborhood Commercial District</i>	§ 730
10	<i>Taraval Street Neighborhood Commercial District</i>	§ 741
11	<i>24th Street-Noe Valley Neighborhood Commercial District</i>	§ 728
12	Union Street Neighborhood Commercial District	§ 725
13	<i>24th Street-Noe Valley Neighborhood Commercial District</i>	§ 728
14	West Portal Avenue Neighborhood Commercial District	§ 729
15	<i>Inner Sunset Neighborhood Commercial District</i>	§ 730
16	<i>Glen Park Neighborhood Commercial Transit District</i>	§ 738.1
17	<i>Noriega Street Neighborhood Commercial District</i>	§ 739.1
18	<i>Irving Street Neighborhood Commercial District</i>	§ 740.1
19	<i>Taraval Street Neighborhood Commercial District</i>	§ 741.1
20	<i>Judah Street Neighborhood Commercial District</i>	§ 742.1
21	<i>Folsom Street Neighborhood Commercial Transit District</i>	§ 743.1
22	<i>Regional Commercial District</i>	§ 744.1
23	<i>Excelsior Outer Mission Street Neighborhood Commercial District</i>	§ 745.1
24		
25	* * * *	

Named Neighborhood Commercial Transit (NCT) Districts	<u>Section Number</u>
	702.1
<i>Folsom Street Neighborhood Commercial Transit District</i>	§ 743
<i>Glen Park Neighborhood Commercial Transit District</i>	§ 738
Hayes-Gough Neighborhood Commercial Transit District	§ 720
Upper Market Street Neighborhood Commercial Transit District	§ 733 732
<i>Mission Street Neighborhood Commercial Transit District</i>	§ 736
<i>Ocean Avenue Neighborhood Commercial Transit District</i>	§ 737
<i>Valencia Street Neighborhood Commercial Transit District</i>	§ 726
<i>24th Street-Mission Neighborhood Commercial Transit District</i>	§ 727
SoMa Neighborhood Commercial Transit District	§ 735
<i>24th Street-Mission Neighborhood Commercial Transit District</i>	§ 727
<i>Valencia Street Neighborhood Commercial Transit District</i>	§ 726
<i>Mission Street Neighborhood Commercial Transit District</i>	§ 736
<i>Ocean Avenue Neighborhood Commercial Transit District</i>	§ 737
<i>Glen Park Neighborhood Commercial Transit District</i>	§ 738
<i>Folsom Street Neighborhood Commercial Transit District</i>	§ 743.1

SEC. 702.3. NEIGHBORHOOD COMMERCIAL RESTRICTED USE SUBDISTRICTS.

In addition to the Neighborhood Commercial Use Districts established by Section 702.1 of this Code, certain Neighborhood Commercial Special Use Districts are established for the purpose of controlling the expansion of certain kinds of uses which if uncontrolled may adversely affect the character of certain Neighborhood Commercial Districts.

1 The purposes and provisions set forth in Sections 781.1 through ~~781.6~~ 781.10, Sections
 2 ~~784 783 through 786~~, and Sections 249.35 through 249.99 of this Code shall apply respectively
 3 within these districts. The boundaries of the districts are as shown on the Zoning Map as
 4 referred to in Section 105 of this Code, subject to the provisions of that Section.

Neighborhood Commercial Restricted Use Subdistricts	Section Number
Taraval Street Restaurant Subdistrict	§ 781.1
Geary Boulevard Formula Retail Pet Supply Store and Formula Retail Eating and Drinking Subdistrict	§ 781.4
Mission Street Formula Retail Restaurant Subdistrict	§ 781.5
North Beach Financial Service, Limited Financial Service, and Business or Professional Service Subdistrict	§ 781.6
Chestnut Street Financial <i>Service Subdistrict</i>	§ 781.7
Haight Street Alcohol Restricted Use District	§ 781.9
<i>Divisadero Street Alcohol Restricted Use District</i>	§ 783
Lower Haight Street Alcohol Restricted Use District	§ 784
Fringe Financial Service Restricted Use District	§ 249.35
Mission Alcohol Restricted Use District	§ 249.60 (formerly 781.8)
Third Street Alcohol Restricted Use District	§ 249.62 (formerly 782)

22
 23
 24 **SEC. 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-2**
 25 **ZONING CONTROL TABLE**

1	****			NC-2		
2	No.	Zoning Category	§ References	Controls by Story		
3			§ 790.118	1st	2nd	3rd+
4	****					
5	Retail Sales and Services					
6	****	Amusement Game Arcade	§ 790.4 <u>790.40</u>			
7	711.69B	(Mechanical Amusement				
8	****	Devices)				

SPECIFIC PROVISIONS FOR NC-2 DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
12 13 14 15 16 17 18 19 20 21 22 23 24 25	**** § 711.68	§ 249.35 FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD) 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; 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.

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<p>****</p>	<p>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 financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</p>
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**SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

			Broadway
No.	Zoning Category	§ References	Controls
<p>****</p>			
<p>COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES</p>			
714.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a) (b)
714.21	Use Size [Non-Residential]	§ 790.130	P up to 2,999 sq. ft.; C 3,000 sq. ft. & above § 121.2
714.22	Off-Street Parking, Commercial/Institutional	§§ 150, <u>151.1</u> , 153 - 157, 159 - 160, 204.5	<i>None Required.</i> <i>Generally, none</i> <i>required if occupied</i> <i>floor area is less than</i> <i>5,000 sq. ft.</i>

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			§§ 151, 161(g)
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**SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

			North Beach
No.	Zoning Category	§ References	Controls
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
722.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124(a) (b)
722.21	Use Size [Nonresidential]	§ 790.130	P up to 1,999 sq. ft.; C# 2,000 sq. ft. to 3,999 sq. ft. NP 4,000 sq. ft. and above § 121.2
722.22	Off-Street Parking, Commercial/Institutional	§§ 150, <u>151.1</u> , 153 - 157, 159 - 160, 204.5	<i>None Required.</i> <i>Generally, none</i> <i>required if occupied</i> <i>floor area is less than</i> <i>5,000 sq. ft.</i> §§ 151, 161(g)

**SEC. 739. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

	Noriega Street
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No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
****	<i>Streetscape and Pedestrian</i>		Required
739.17	<i>Improvements Street Trees</i>	<u>§ 138.1</u>	<u>§ 138.1</u>

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			

739.31	Business Sign	§§ 262, 602-604, 608, 609	P § 607.1(<i>f e</i>) 2

**SEC. 740. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

			Irving Street
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
****	<i>Streetscape and Pedestrian</i>		Required
740.17	<i>Improvements Street Trees</i>	<u>§ 138.1</u>	<u>§ 138.1</u>
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			

740.31	Business Sign	§§ 262, 602-604, 608, 609	P § 607.1(<i>f e</i>) 2

**SEC. 741. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

			Taraval Street
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			

1	****	<i>Streetscape and Pedestrian</i>	<u>§ 138.1</u>	Required
2	741.17	<i>Improvements Street Trees</i>		<u>§ 138.1</u>

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

4	****		§§ 262, 602-604, 608,	
5	741.31	Business Sign	609	P § 607.1(<i>f e</i>) 2
6	****			

**SEC. 742. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

				Judah Street
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No.	Zoning Category	§ References	Controls
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BUILDING STANDARDS

12	****	<i>Streetscape and Pedestrian</i>	<u>§ 138.1</u>	Required
13	742.17	<i>Improvements Street Trees</i>		<u>§ 138.1</u>

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

15	****		§§ 262, 602-604, 608,	
16	742.31	Business Sign	609	P § 607.1(<i>f e</i>) 2
17	****			

Table 810

**CHINATOWN COMMUNITY BUSINESS DISTRICT
ZONING CONTROL TABLE**

			Chinatown Community Business District
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No.	Zoning Category	§ References	Controls
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2 **COMMERCIAL AND INSTITUTIONAL STANDARDS AND SERVICES**

3 4 5	.19	Floor Area Ratio	§§ 102.9, 102.11, 123	2.8 to 1 § 124(a) (b)
6 7 8 9 10 11	.20	Use Size [Nonresidential]	§ 890.130	P up to 5,000 sq. ft. C 5,000 sq. ft. & <i>above, except for</i> <i>Restaurants.</i> § 121.4 <i>Except for full-service</i> <i>restaurants</i>

12 **Table 811**

13 **CHINATOWN VISITOR RETAIL DISTRICT**

14 **ZONING CONTROL TABLE**

15 16				Chinatown Visitor Retail District
17	No.	Zoning Category	§ References	Controls
18	*****			
19	COMMERCIAL AND INSTITUTIONAL STANDARDS AND SERVICES			
20 21	.19	Floor Area Ratio	§§ 102.9, 102.11, 123	2.0 to 1 § 124(a) (b)
22 23 24 25	.20	Use Size [Nonresidential]	§ 890.130	P up to 2,500 sq. ft. C 2,501 to 5,000 sq. ft. Except for

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			<i>Restaurants full-service restaurants - 5,000 sq. ft. § 121.4</i>
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SPECIFIC PROVISIONS FOR CHINATOWN VISITOR RETAIL DISTRICT

Section		Zoning Controls
§ 811.10	§ 270	- 50 N Height and Bulk District as mapped on Sectional Map 1H
§ 811.47b	§ 890.37	The other entertainment use must be in conjunction with an existing <i>Restaurant full-service restaurant</i>
§ 811.54	§ 890.60, §§ 29.1 – 29.32 1900 Health Code	<p>MASSAGE ESTABLISHMENT</p> <p>Controls. Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in Section 303(o). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the criteria described in Section 890.60(b).</p>
§ 811.71	§ 236	Garment Shop Special Use District applicable only for portions of the Chinatown Visitor Retail District as mapped on Sectional Map No. 1-SUa

1 **SEC. 790.55. LIQUOR STORE.**

2 A retail use which sells beer, wine, or distilled spirits to a customer in an open or closed
3 container for consumption off the premises and which needs a State of California Alcoholic
4 Beverage Control Board License type 20 (off-sale beer and wine) or type 21 (off-sale general)
5 This classification shall not include retail uses that:

6 (a) are (1) classified as a general grocery store use as set forth in Section 790.102(a),
7 or a specialty grocery store use as set forth in Section 790.102(b), and (2) have a gross floor
8 area devoted to alcoholic beverages that is within the accessory use limits set forth in Section
9 703.2(b)(1)(C)(vi); or

10 (b) have (1) a use size as defined in Section 790.130 of this Code of greater than
11 10,000 gross square feet and (2) a gross floor area devoted to alcoholic beverages that is
12 within accessory use limits as set forth in Section 204.2 or 703.2(b)(1)(C) of this Code,
13 depending on the zoning district in which the use is located.

14 (c) For purposes of Planning Code Sections 249.5, 781.9, 782, ~~783~~, and 784, the
15 retail uses explicitly exempted from this definition as set forth above shall only apply to
16 general grocery and specialty grocery stores that exceed 5,000 s/f in size, that do not:

17 (1) sell any malt beverage with an alcohol content greater than 5.7% by volume;
18 any wine with an alcohol content of greater than 15% by volume, except for "dinner wines"
19 that have been aged two years or more and maintained in a corked bottle; or any distilled
20 spirits in container sizes smaller than 600 ml;

21 (2) devote more than 15% of the gross square footage of the establishment to the
22 display and sale of alcoholic beverages; and

23 (3) sell single servings of beer in container sizes 24 oz. or smaller.

1 Section 5. Sheets ZN02 and ZN07 of the Zoning Map of the City and County of San
2 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-2 on Blocks 1100, 1101, 1126, 1127, 1128, 1129, 1153, 1154, 1155, 1156, 1179, 1180, 1181, 1182, 1201, 1202, 1203, 1204, 1215, 1216, 1217, 1218, 1237, 1238, 1239, and 1240	NC-2	Divisadero Street Neighborhood Commercial District

12 Section 6. Sheet SU02 of the Zoning Map of the City and County of San Francisco is
13 hereby amended to delete the Divisadero Street Alcohol Restricted Use SUD.


15 Section 7. Effective Date. This ordinance shall become effective 30 days after
16 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
17 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
18 of Supervisors overrides the Mayor's veto of the ordinance.

20 Section 8. Scope of Ordinance. In enacting this ordinance, the Board intends to
21 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
22 punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that
23 are explicitly shown in this ordinance as additions, deletions, Board amendment additions,
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1 and Board amendment deletions in accordance with the "Note" that appears under the official
2 title of the legislation.

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

By: 
JUDITH A. BOYAJIAN
Deputy City Attorney

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City and County of San Francisco

Tails
Ordinance

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

File Number: 120796

Date Passed: November 04, 2014

Ordinance amending the Planning Code to establish the Divisadero Street Neighborhood Commercial District (NCD) along Divisadero Street between Haight and O'Farrell Streets, deleting the Divisadero Street Alcohol Restricted Use District (RUD), amending various other Code sections to make conforming and other technical changes, amending the Zoning Map to add the Divisadero Street NCD and deleting the Divisadero Street RUD, affirming the Planning Department's California Environmental Quality Act determination; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

October 20, 2014 Land Use and Economic Development Committee - RECOMMENDED

October 28, 2014 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

October 28, 2014 Board of Supervisors - PASSED ON FIRST READING AS AMENDED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

November 04, 2014 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 120796

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 11/4/2014 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board
Mayor
Date Approved