



# SAN FRANCISCO PLANNING DEPARTMENT

---

## Executive Summary Planning Code Text & Zoning Map Amendment

HEARING DATE: APRIL 2, 2015

*Date:* March 26, 2015  
*Project Name:* **Establishing the Divisadero Street NCT District**  
*Case Number:* 2015-001388PCA [Board File No. 150082]  
*Initiated by:* Supervisor Breed / Introduced January 27, 2015  
*Staff Contact:* Aaron Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, 415-558-6362  
*Recommendation:* **Recommend Approval**

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Planning Code to establish the Divisadero Street Neighborhood Commercial Transit District along Divisadero Street between Haight and O'Farrell Streets in place of the Divisadero Street Neighborhood Commercial District and make conforming and other technical changes to various other sections; and amending the Zoning Map to make changes that conform with the Code amendments.

#### The Way It Is Now:

1. Properties along Divisadero Street between Haight and O'Farrell Streets are zoned Divisadero Street Neighborhood Commercial (NC) District.
2. In the Divisadero Street NC District, residential density limits are based on the area of the lot. These limits are currently one unit per 800 sq. ft. lot area for Dwelling Units, and 1 bedroom per 275 sq. ft. lot area for Group Housing.

#### The Way It Would Be:

1. Properties along Divisadero Street between Haight and O'Farrell Street would be zoned Divisadero Street Neighborhood Commercial Transit (NCT) District.
2. Residential density would be regulated by other Planning Code requirements such as height/bulk limitations, open space, rear yard setbacks, and exposure requirements.

### BAKCGROUND

The Planning Commission considered the establishment of the Divisadero Street NC District on November 29, 2012 (Board File No. 120796, Case #2012.0950TZ), and recommended approval to the Board of Supervisors. That ordinance rezoned the NC-2 parcels that faced Divisadero Street between Haight and O'Farrell Streets to the Divisadero Street NC District; it removed parking minimums; and allowed for the five foot height bonus on the ground floor. It also changed the use controls to allow Bars, Restaurants, Limited-Restaurants, Movie Theaters, Other Entertainment, Philanthropic Administrative Services and Trade Shops on the second floor; and removed the Divisadero Street Alcohol Street

Restricted Use Districts, but preserved the prohibition on new liquor stores in the NCD. This ordinance only recently became effective in December of last year, because Supervisor Breed was waiting for the outcome of the Formal Retail Report and ordinance<sup>1</sup>. After the Formula Retail ordinance was passed, the additional provisions for Formula Retail were taken out of the proposed ordinance and it moved forward at the Board of Supervisors.

## **ISSUES AND CONSIDERATIONS**

### **Meeting the Housing Demand**

In response to an unprecedented demand for housing and rising housing costs, Mayor Lee published an executive directive in January 2014 where he pledged 30,000 new and rehabilitated homes throughout the City by 2020, of which at least one-third of those are permanently affordable to low and moderate income families, and with the majority of them within financial reach of working, middle income San Franciscans. San Francisco is in a housing affordability crisis and is frequently described as among the worst in the nation,<sup>2 3 4 5</sup> and the demand for housing is predicted to increase. The 2012 American Community Survey estimated San Francisco's population to be about 807,755. The Association of Bay Area Governments projects continued population growth to 981,800 by 2030 or an overall increase of about 174,045 people who will need to be housed over the next 18 years. Household growth, an approximation of the demand for housing, indicates a need for some 72,530 new units in the 18 years to 2030 just to accommodate projected population and household growth.<sup>6</sup> The City's challenge is to find new ways to accommodate more housing units into the existing urban fabric in order to meet current and future demands without negatively impacting neighborhood character.

### **Regulating the Number of Units with Building Form**

The City started to adopt zoning districts without density controls in 2007 as a result of the Market Octavia Plan<sup>7</sup>. These new districts include the Residential Transit Oriented (RTO, RTO-M) Districts, the Neighborhood Commercial Transit Districts (NCT-1, NCT-2, and NCT-3) and several new named Neighborhood Commercial Districts including the SOMA NCT, Mission Street NCT, Ocean Avenue NCT, and the Glenn Park NCT Districts. Rather than rely on regulating the number of units by the area of the lot, the number of units in RTO and NCT Districts is limited by height/bulk, open space, and exposure

---

<sup>1</sup> Board File 140844, Enactment #235-14

<sup>2</sup> Fortune Magazine. July 10, 2014. "Americas Housing Affordability Crisis is Getting Worse" Matthews, Chris. Retrieved at: <http://fortune.com/2014/07/10/us-housing-affordability/>

<sup>3</sup> A June 21, 2014 article in the NextCity, a city planning nonprofit wrote: "Mayor Lee has called the lack of affordable housing a "crisis" that "threatens to choke off [the city's] economic growth and prosperity for the future". Retrieved from: <http://nextcity.org/daily/entry/san-francisco-apartment-cost-affordable-housing>

<sup>4</sup> New York Times. April 14, 2014. "In Many Cities, Rent Is Rising Out of Reach of Middle Class". Dewan, Shaila. Retrieved from: <http://www.nytimes.com/2014/04/15/business/more-renters-find-30-affordability-ratio-unattainable.html>

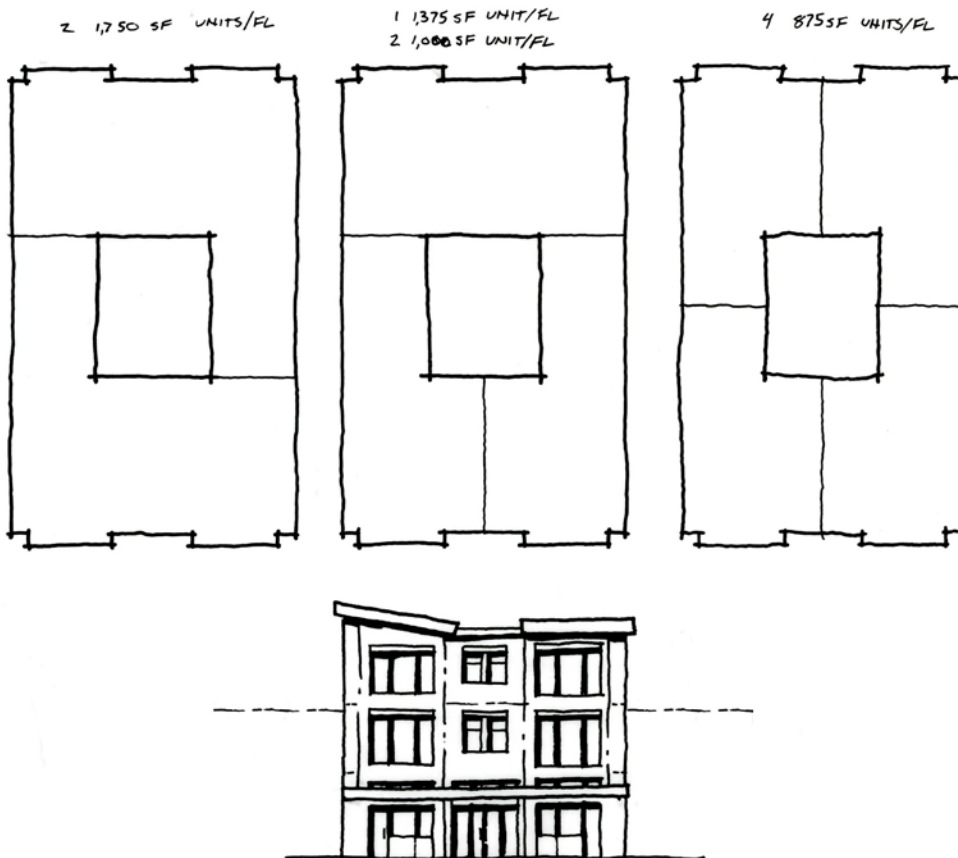
<sup>5</sup> The Economist. April 16, 2014. "The Spectre Haunting San Francisco". London, R.A. Retrieved from: <http://www.economist.com/blogs/freexchange/2014/04/housing-markets>

<sup>6</sup> San Francisco General Plan 2014 Housing Element

<sup>7</sup> Board of Supervisors Ordinance No. 0246-07, adopted October 23, 2007

requirements. This allows for a slightly more units than would be permitted under the current regulations.

For example, most of the Divisadero Street NCD is zoned for 65 feet (65-A), or 6 floors. On a normal 25 x 100 foot parcel that contained 2,500 sq. ft. a property owner would be limited to 3 residential units in a building that is permitted to go up 6 floors (2,500 sq. ft. /800 sq. ft. per unit); less than one unit per floor. Removing this limitation allows more housing to be put into the same size building, increasing the potential number of units permitted in the Divisadero St. corridor without impacting a neighborhood's visual character or scale. Below is an example of how this concept works for a three story, mixed-use building:



### NCT-2 Districts

The Divisadero Street NCT District is proposed at the same scale of intensity as a NCT-2 Zoning District. NCT-2 Districts are transit-oriented mixed-use neighborhoods with small scale commercial uses near transit services. The NCT 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 is generally linear along transit-priority corridors, though may be concentric around transit stations or in broader areas where multiple 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. There are prohibitions on access (e.g., driveways, garage entries) to off-street parking and loading on critical stretches of commercial and transit street frontages to preserve and enhance the pedestrian-oriented character and transit function. Residential parking is not required and generally limited. Commercial establishments are discouraged from building excessive accessory off-street parking in order to preserve the pedestrian-oriented character of the district and prevent attracting auto traffic.

NCT-2 Districts are intended to provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-serving offices. The small-scale district controls provide for mixed-use buildings, which approximate or slightly exceed the standard development pattern. Rear yard requirements above the ground story and at residential levels preserve open space corridors of interior blocks.

#### **Required Unit Mix in NCT Districts**

To ensure an adequate supply of family-sized units in existing and new housing stock, Section 207.6 of the Planning Code requires new residential construction in NCT Districts with five or more units to be comprised of at least 40 percent two-bedroom units or 30 percent three bedrooms units. These requirements may be waived or modified with Conditional Use Authorization, if the project demonstrates a need or mission to serve unique populations, or the project site features physical constraints that make it unreasonable to fulfill these requirements.

#### **Division of Existing Dwelling Units in NCT Districts**

Planning Code Section 207.8 limits the subdivision of existing dwelling units in order to ensure an adequate supply of family-sized units. The division of any existing dwelling unit into two or more units NCT districts is permitted only if it meets both of the following conditions:

- a. The existing unit exceeds 2,000 occupied square feet or contains more than 3 bedrooms; and
- b. At least one of the resulting units is no less than 2 bedrooms and 1,250 square feet in size.

#### **REQUIRED COMMISSION ACTION**

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

#### **RECOMMENDATION**

The Department recommends that the Commission recommend *approval* of the proposed Ordinance and adopt the attached Draft Resolution to that effect.

#### **BASIS FOR RECOMMENDATION**

The Department supports the rezoning of the Divisadero Street NC District to the Divisadero Street NCT District because it will allow for greater density along a major transit corridor in the City. It will also help the City meet its current and future housing demands while still preserving existing neighborhood

character. Divisadero Street has been transformed over the past decade by changing demographics and increased involvement from merchants and residents. Rezoning the area to a NCT district would help continue this transformation, and help create a more dynamic and vibrant neighborhood.

## **ENVIRONMENTAL REVIEW**

The proposed Ordinance is not defined as a project under CEQA Guidelines Section 15378 and 15060(c) (2) because it does not result in a physical change in the environment.

## **PUBLIC COMMENT**

The Department has received several phone calls and emails in response to the mailed notice sent out for this Ordinance. Most people who contacted the Department wanted clarification on what the ordinance would do. While there was some skepticism, the Department did not receive any expressed opposition to the proposed Ordinance, and some people expressed support for the proposed changes.

<b>RECOMMENDATION:</b>	<b>Recommendation of Approval</b>
------------------------	-----------------------------------

### **Attachments:**

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Map of Proposed Zoning District
- Exhibit C: Board of Supervisors File No. 150082



# SAN FRANCISCO PLANNING DEPARTMENT

---

## Draft Planning Commission Resolution

HEARING DATE: APRIL 2, 2015

*Date:* March 26, 2015  
*Project Name:* **Establishing the Divisadero Street NCT District**  
*Case Number:* 2015-001388PCA [Board File No. 150082]  
*Initiated by:* Supervisor Breed / Introduced January 27, 2015  
*Staff Contact:* Aaron Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, 415-558-6362  
*Recommendation:* **Recommend Approval**

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO ESTABLISH THE DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ALONG DIVISADERO STREET BETWEEN HAIGHT AND O'FARRELL STREETS IN PLACE OF THE DIVISADERO STREET NEIGHBORHOOD COMMERCIAL DISTRICT AND MAKE CONFORMING AND OTHER TECHNICAL CHANGES TO VARIOUS OTHER SECTIONS; AMENDING THE ZONING MAP TO MAKE CHANGES THAT CONFORM WITH THE CODE AMENDMENTS; AFFIRMING THE PLANNING DEPARTMENT'S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1.

### **PREAMBLE**

Whereas, on January 27, 2015, Supervisor Breed introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 150082 that would amend the San Francisco Planning Code to establish the Divisadero Street Neighborhood Commercial Transit District along Divisadero Street between Haight and O'Farrell Streets in place of the Divisadero Street Neighborhood Commercial District and make conforming and other technical changes to various other sections; amending the Zoning Map to make changes that conform with the Code amendments; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.; and

Whereas, on April 2, 2015, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance and recommended approval with modifications of the proposed Ordinance; and

Whereas, the Planning Department (hereinafter Department) determined that the Project was not defined as a project under CEQA Guidelines Section 15378 and 15060(c) (2) because it does not result in a physical change in the environment; and

Whereas, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties; and

Whereas, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

Whereas, the Commission has reviewed the proposed Ordinance; and

**MOVED**, that the Commission hereby recommends that the Board of Supervisors recommends approval of the proposed Ordinance and adopts the attached Draft Resolution to that effect.

## **FINDINGS**

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The Commission supports the rezoning of the Divisadero Street NC District to the Divisadero Street NCT District because it will allow for greater density along a major transit corridor in the City. It will also help the City meet its current and future housing demands while still preserving existing neighborhood character.
2. The Commission finds that Divisadero Street has been transformed over the past decade by changing demographics and increased involvement from merchants and residents. Rezoning the area to a NCT district would help continue this transformation, and help create a more dynamic and vibrant neighborhood.
3. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

### **I. COMMERCE & INDUSTRY ELEMENT**

THE COMMERCE AND INDUSTRY ELEMENT OF THE GENERAL PLAN SETS FORTH OBJECTIVES AND POLICIES THAT ADDRESS THE BROAD RANGE OF ECONOMIC ACTIVITIES, FACILITIES, AND SUPPORT SYSTEMS THAT CONSTITUTE SAN FRANCISCO'S EMPLOYMENT AND SERVICE BASE.

#### **OBJECTIVE 4**

IMPROVE THE VIABILITY OF EXISTING INDUSTRY IN THE CITY AND THE ATTRACTIVENESS OF THE CITY AS A LOCATION FOR NEW INDUSTRY.

#### **Policy 6.6**

Adopt specific zoning districts, which conform to a generalized neighborhood commercial land use and density plan.

*The proposed district conforms to the generalized neighborhood commercial land use and density plan published in the General Plan.*

**HOUSING ELEMENT**

**THE HOUSING ELEMENT IS INTENDED TO PROVIDE THE POLICY BACKGROUND FOR HOUSING PROGRAMS AND DECISIONS; AND TO PROVIDE BROAD DIRECTION TOWARDS MEETING THE CITY'S HOUSING GOALS.**

**OBJECTIVE 1**

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

**Policy 1.6**

Consider greater flexibility in number and size of units within established building envelopes in community based planning processes, especially if it can increase the number of affordable units in multi-family structures.

*The proposed NCT will allow greater flexibility in the number and size of units within established building envelopes.*

**OBJECTIVE 11**

SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

**Policy 11.3**

Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

*The proposed rezoning will allow for greater growth within the corridor without substantially and adversely impacting existing neighborhood character as the height and bulk controls will remain the same.*

**OBJECTIVE 12**

**BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.**

**Policy 12.1**

Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.

*The proposed rezoning will allow more housing to be developed along a major transit and commercial corridor. This new housing will not be required to have any parking, making it more likely that the future residents will rely on transit.*

4. The proposed project is consistent with the eight General Plan priority policies set forth in Section 101.1 in that:



- A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

*The proposed Ordinance does not propose any changes to the use controls in the commercial districts. It will not have a negative impact on existing neighborhood-serving retail uses*

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

*The proposed legislation would allow greater density within existing height and bulk limitations, helping to meet the City's housing demand while preserving existing neighborhood character.*

- C) The City's supply of affordable housing will be preserved and enhanced:

*The proposed Ordinance will have no adverse effect on the City's supply of affordable housing.*

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

*The proposed Ordinance will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.*

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

*The proposed Ordinance would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.*

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*Preparedness against injury and loss of life in an earthquake is unaffected by the proposed Ordinance. Any new construction or alteration associated with a use would be executed in compliance with all applicable construction and safety measures.*

- G) That landmark and historic buildings will be preserved:

*Landmarks and historic buildings would be unaffected by the proposed Ordinance. Should a proposed use be located within a landmark or historic building, such site would be evaluated under typical Planning Code provisions and comprehensive Planning Department policies.*

- H) Parks and open space and their access to sunlight and vistas will be protected from development:

*The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed Ordinance. It is not anticipated that permits would be such that sunlight access, to public or private property, would be adversely impacted.*

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on April 2, 2015.

Jonas P Ionin  
Commission Secretary

AYES:

NAYS:

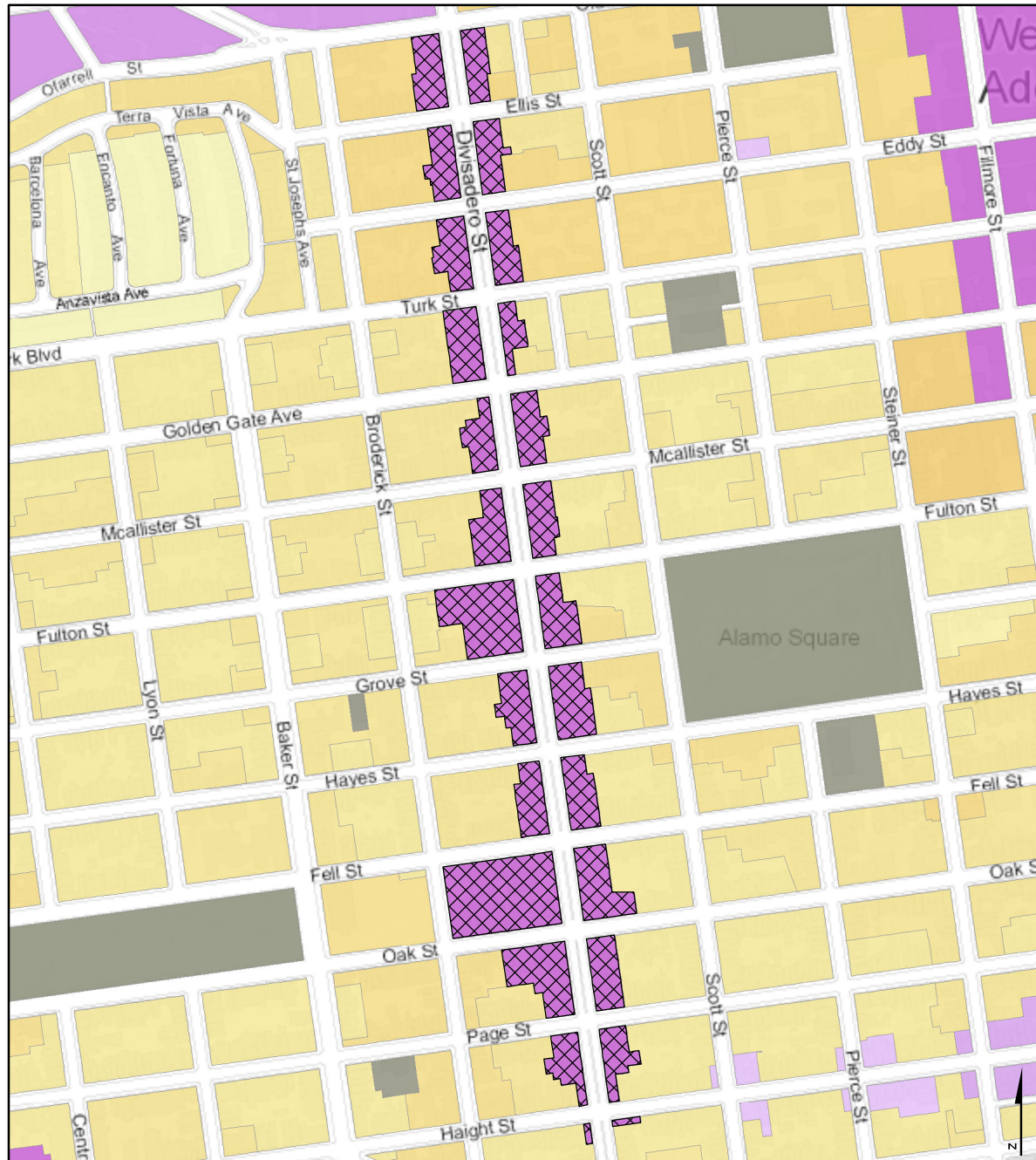
ABSENT:

ADOPTED: April 2, 2015

# Exhibit B: Proposed Divisadero Street NCT



**SAN FRANCISCO  
PLANNING DEPARTMENT**



**Legend**

Proposed Divisadero Street NCT District

**Zoning Districts**

**Public**

P Public

**Residential, House Character Districts**

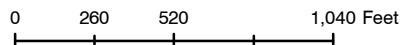
- RH-1 One Unit per Lot
- RH-2 Two Units per Lot
- RH-3 Three Units per Lot

**Residential, Mixed (Apartments & Homes) Districts**

- RM-1 Low Density (1 Unit per 800 sf)
- RM-2 Moderate Density (1 Unit per 600 sf)
- RM-3 Medium Density (1 Unit per 400 sf)
- RM-4 High Density (1 Unit per 200 sf)

**Neighborhood Commercial Districts**

- NC-1 Cluster (1 Commercial Story)
- NC-2 Small-Scale (2 Commercial Stories)
- NC-3 Moderate-Scale (3+ Commercial Stories)
- NCD Individual (Named, Controls Vary)



The City and County of San Francisco (CCSF) does not guarantee the accuracy, adequacy, completeness or usefulness of any information. CCSF provides this information on an "as is" basis without warranty of any kind, including but not limited to warranties of merchantability or fitness for a particular purpose, and assumes no responsibility for anyone's use of the information.

## Exhibit C

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

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

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

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

17 Section 1. Findings.

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

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

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

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

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

10 **SEC. 151.1. SCHEDULE OF PERMITTED OFF-STREET PARKING SPACES IN**  
11 **SPECIFIED DISTRICTS.**

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

16 \* \* \* \*

17 **Table 151.1**

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

<b>Use or Activity</b>	<b>Number of Off-Street Car Parking Spaces or Space Devoted to Off-Street Car Parking Permitted</b>
* * * *	
Dwelling units and SRO units in NCT, RC, C-M, RSD, SLR, and Chinatown Mixed Use Districts, and the Broadway, <i>Divisadero</i> , North Beach, and Upper Market Neighborhood	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

<p>1 Commercial Districts, except as specified 2 below.</p>	<p>dwelling unit.</p>
<p>3 4 * * * *</p>	

5  
6 **SEC. 201. CLASSES OF USE DISTRICTS.**

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

9 \* \* \* \*

10 **Named Neighborhood Commercial Districts**

11 (Defined in Sec. 702.1)

12 \* \* \* \*

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

14 \* \* \* \*

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

16 \* \* \* \*

17  
18 **Named Neighborhood Commercial Transit (NCT) Districts**

19 (Defined in Sec. 702.1)

20 *Divisadero Street NCT (Defined in Sec. 746)*

21 \* \* \* \*

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

23 \* \* \* \*

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

2           \* \* \* \*

Named Neighborhood Commercial Districts	Section Number
* * * *	
<i>Divisadero Street Neighborhood Commercial District</i>	§ 746
* * * *	
<i>Regional Commercial District</i>	§ 744

8           \* \* \* \*

Named Neighborhood Commercial Transit (NCT) Districts	Section Number
<i>Divisadero Street Neighborhood Commercial Transit District</i>	§ 746
* * * *	
<i>Regional Commercial District</i>	§ 744
* * * *	

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

* * * *	No.	Zoning Category	§ References	NC-2 Controls by Story		
			§ 790.118	1st	2nd	3rd+
* * * *						
<b>Retail Sales and Services</b>						
* * * *	711.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ <del>790.40</del> 740.4			

1                   **SEC. 712. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-3**  
 2                   **ZONING CONTROL TABLE**

3                   \*\*\*\*

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

Article 7 Code Section	Other Code Section	Zoning Controls
****		
§ 712.68	§ 249.35	<p>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</p> <p><b>Boundaries:</b> 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; <del>the Divisadero Street Alcohol Restricted Use District; the North of Market Residential Special Use District and the Assessor's Blocks and Lots fronting on both sides of Mission Street from Silver Avenue to the Daly City borders as set forth in Special Use District Maps SU11 and SU12;</del> and includes Small-Scale Neighborhood Commercial Districts within its boundaries.</p> <p><b>Controls:</b> 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>



1 \* \* \* \*

2 **SEC. 746.~~I~~ DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

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

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

18 Consistent with Divisadero Street's existing mixed-use character, new commercial  
19 development is permitted at the ground and second stories. Most neighborhood-serving  
20 businesses are strongly encouraged. Controls on new Formula Retail uses are consistent with  
21 Citywide policy for Neighborhood Commercial Districts; Eating and Drinking and  
22 Entertainment uses are confined to the ground story. The second story may be used by some  
23 retail stores, personal services, and medical, business and professional offices. Additional  
24 flexibility is offered for second-floor Eating and Drinking, Entertainment, and Trade Shop uses  
25 in existing non-residential buildings to encourage the preservation and reuse of such

1 buildings. Hotels are monitored at all stories. Limits on late-night activity, drive-up facilities,  
 2 and other automobile uses protect the livability within and around the district, and promote  
 3 continuous retail frontage.

4 **Table SEC. 746. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT**  
 5 **DISTRICT**  
 6 **ZONING CONTROL TABLE**

6 \* \* \* \*

No.	Zoning Category	§ References	Divisadero Street <u>Transit</u> Controls by Story		
		§ 790.118	1st	2nd	3rd+
* * * *					
<b>RESIDENTIAL STANDARDS AND USES</b>					
746.90	Residential Use	§ 790.88	P	P	P
746.91	Residential Density, Dwelling Units	§§ 207, 207.1, 207.4, 790.88(a)	<i>Generally, 1 unit per 800 sq. ft. lot area <u>No</u> <u>residential density limit by</u> <u>lot area. Density restricted</u> <u>by physical envelope</u> <u>controls of height, bulk,</u> <u>setbacks, open space.</u> <u>exposure, required dwelling</u> <u>unit mix, and other</u> <u>applicable controls of this</u> <u>and other Codes, as well as</u> <u>by applicable design</u> <u>guidelines, applicable</u></i>		

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

1 Section 3. Sheets ZN02 and ZN07 of the Zoning Map of the City and County of San  
2 Francisco is 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 Divisadero Street Neighborhood Commercial District 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	Divisadero Street Neighborhood Commercial District	Divisadero Street Neighborhood Commercial Transit District

14  
15 Section 4. Effective Date. This Ordinance shall become effective 30 days from the  
16 date of passage. Enactment occurs when the Mayor signs the ordinance, the Mayor returns  
17 the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the  
18 Board of Supervisors overrides the Mayor's veto of the ordinance.

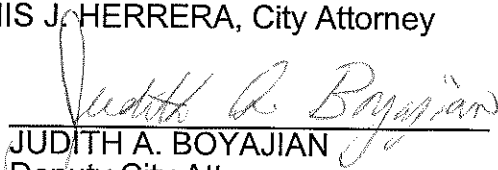
19  
20 Section 5. Scope of Ordinance. In enacting this ordinance, the Board intends to amend  
21 only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation  
22 marks, charts, diagrams, or any other constituent part of the Municipal Code that are explicitly  
23 shown in this legislation as additions, deletions, Board amendment additions, and Board  
24  
25

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

3

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

6 By:

  
7 JUDITH A. BOYAJIAN  
8 Deputy City Attorney

9 n:\leganalas2014\1500229\00979767.docx

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25