

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

3 **Ordinance amending the Planning Code to 1) limit lot sizes in the Pacific Avenue**
4 **Neighborhood Commercial District ("Pacific NCD") and the Polk Street Neighborhood**
5 **Commercial District ("Polk NCD"); 2) limit the size of Non-Residential Uses in the**
6 **Pacific NCD and Polk NCD, and exempting movie theaters in the Polk NCD from certain**
7 **size limits; 3) restrict lot mergers in the Pacific NCD and Polk NCD; 4) require ground**
8 **floor Commercial Uses in the Polk NCD and on certain portions of Pacific Avenue; 5)**
9 **modify residential and non-residential off-street parking requirements in the Pacific**
10 **NCD and Polk NCD; 6) prohibit garage entries, driveways, or other vehicular access to**
11 **off-street parking or loading on certain streets and alleys in the Pacific NCD and Polk**
12 **NCD; 7) deem nonconforming uses in the Polk NCD to be discontinued after 18 months**
13 **of non-use; 8) modify the maximum concentration of Eating and Drinking Uses in the**
14 **Polk NCD; 9) prohibit massage establishment, chair/foot massage, and kennel uses in**
15 **the Polk Street NCD; 10) restrict medical services in the Polk NCD and Pacific NCD; 11)**
16 **prohibit storefront mergers in the Polk NCD; 12) require a dwelling unit mix in the**
17 **Pacific NCD and Polk NCD; 13) prohibit the loss of residential units through demolition,**
18 **merger, or conversion and allow division if it meets a dwelling unit mix requirement in**
19 **the Polk NCD and Pacific NCD; 14) require Conditional Use authorization before**
20 **replacing a legacy business in the Polk NCD and Pacific NCD; 15) correct, clarify, and**
21 **simplify language in other Planning Code Sections; affirming the Planning**
22 **Department's determination under the California Environmental Quality Act; and**
23 **making findings of consistency with the General Plan, and the eight priority policies of**
24 **Planning Code, Section 101.1, and findings of public convenience, necessity, and**
25 **welfare under Planning Code, Section 302.**

1 NOTE: **Unchanged Code text and uncoded text** are in plain Arial font.
2 **Additions to Codes** are in *single-underline italics Times New Roman font*.
3 **Deletions to Codes** are in ~~*single-underline italics Times New Roman font*~~.
4 **Board amendment additions** are in double-underlined Arial font.
5 **Board amendment deletions** are in ~~Arial font~~.
6 **Asterisks (* * * *)** indicate the omission of unchanged Code
7 subsections or parts of tables.

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

9 Section 1. Findings.

10 (a) The Planning Department has determined that the actions contemplated in this
11 ordinance are categorically exempt from environmental review under Sections 15060(c) and
12 15378 of the California Environmental Quality Act (California Public Resources Code Sections
13 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File
14 No. 1700418 and is incorporated herein by reference. The Board affirms this determination.

15 (b) On July 13, 2017, the Planning Commission, in Resolution No. 19959, adopted
16 findings that the actions contemplated in this ordinance are consistent, on balance, with the
17 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board
18 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
19 Board of Supervisors in File No. 1700418, and is incorporated herein by reference.

20 (c) On July 13, 2017, the Planning Commission, in Resolution No. 19959, approved
21 this legislation, recommended it for adoption by the Board of Supervisors, and adopted
22 findings that it will serve the public necessity, convenience, and welfare. Pursuant to Planning
23 Code Section 302, the Board adopts these findings as its own. A copy of said Resolution is
24 on file with the Clerk of the Board of Supervisors in File No. 1700418, and is incorporated by
25 reference herein.

Section 2. This section is uncodified. The provisions of this ordinance shall not apply to a project that has received all approvals required under Planning Code Section 305 from the Planning Department by or before December 31, 2017 and the approvals are final. For this purpose, "final" means an approval action under Section 305 that has been completed by the Department and has not been appealed to the Board of Appeals within the appeal period established by Section 8 of the Business and Tax Regulations Code.

Section 3 2. The Planning Code is hereby amended by revising Sections 121.1, 121.2, 121.7, and 145.4, to read as follows:

SEC. 121.1. DEVELOPMENT OF LARGE LOTS, NEIGHBORHOOD COMMERCIAL DISTRICTS.

(a) **Purpose.** In order to promote, protect, and maintain a scale of development which is appropriate to each district and compatible with adjacent buildings, new construction or significant enlargement of existing buildings on lots of the same size or larger than the square footage stated in the table below shall be permitted only as Conditional Uses.

District	Lot Size Limits
<u>Pacific Avenue</u>	<u>2,500 sq. ft.</u>
<u>Polk Street</u>	
NC-1, NCT-1	5,000 sq. ft.
24th Street-Mission	
24th Street-Noe Valley	
Broadway	
Castro Street	

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

Glen Park	
Haight Street	
Inner Clement Street	
Inner Sunset	
Irving Street	
Judah Street	
Noriega Street	
North Beach	
Outer Clement Street	
Sacramento Street	
Taraval Street	
Union Street	
Upper Fillmore Street	
West Portal Avenue	
NC-2, NCT-2	10,000 sq. ft.
NC-3, NCT-3	
Divisadero Street	
Excelsior Outer Mission Street	
Fillmore Street	
Folsom Street	
Hayes-Gough	
Japantown	
Mission Street	
Ocean Avenue	

1	<i>Pacific Avenue</i>	
2	<i>Polk Street</i>	
3	Regional Commercial District	
4	SoMa	
5	Upper Market Street	
6	Valencia Street	
7	NC-S	Not Applicable

8 * * * *

9 **SEC. 121.2. NON-RESIDENTIAL USE SIZE LIMITS IN NEIGHBORHOOD COMMERCIAL**
10 **AND NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICTS.**

11 * * * *

12
13 (b) In order to protect and maintain a scale of development appropriate to each
14 district, Non- Residential Uses that exceed the square footage stated in the table below shall
15 not be permitted, except in the following circumstances:

16 (1) In the Castro Street Neighborhood Commercial District, a Child Care
17 Facility, School, Post-Secondary Educational Institution, Religious Institution, Social Service
18 or Philanthropic Facility, Community Facility, or a Residential Care Facility as defined in
19 Section 102 of this Code that is operated by a non-profit and is neighborhood-serving may
20 exceed this Subsection 121.2(b) with Conditional Use authorization.

21 (2) In the Regional Commercial District, Schools and Childcare Facilities as
22 defined in Section 102 may exceed this Subsection 121.2(b) with Conditional Use
23 authorization.

24 (3) In the Polk Street Neighborhood Commercial District, this subsection 121.2(b)
25 shall not apply to a Movie Theater use as defined in Section 102 of this Code.

The use area shall be measured as the Gross Floor Area for each individual Non-Residential use.

District	Use Size Limits
West Portal Avenue North Beach Castro Street <u>Polk Street</u> <u>Pacific Avenue</u>	4,000 sq. ft.
Regional Commercial District	25,000 square feet

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

In order to promote, protect, and maintain a fine-grain scale of development in residential districts and on important pedestrian-oriented commercial streets which is appropriate to each district, compatible with adjacent buildings; provide for a diverse streetscape; ensure the maintenance and creation of multiple unique buildings and building frontages rather than large single structures superficially treated; promote diversity and multiplicity of land ownership and discourage consolidation of property under single ownership, merger of lots is regulated as follows:

(a) In RTO Districts, merger of lots creating a lot greater than 5,000 square feet shall not be permitted except according to the procedures and criteria in subsections (d) and (e) below.

(b) In those NCT, NC and Mixed Use Districts listed below, merger of lots resulting in a lot with a single street frontage greater than that stated in the table below on the specified

streets or in the specified Districts is prohibited except according to the procedures and criteria in subsections (c) and (d) below.

Street or District	Lot Frontage Limit
Hayes, from Franklin to Laguna	50 feet
RED and RED-MX	50 feet
Church Street, from Duboce to 16th Street	100 feet
Divisadero Street NCT except for the east and west blocks between Oak and Fell, Fillmore Street NCT, Folsom Street NCT, RCD, WMUG, WMUO, and SALI	100 feet
Market, from Octavia to Noe	150 feet
Ocean Avenue in the Ocean Avenue NCT	See subsection (e)
Inner and Outer Clement NCDs	50 feet
North Beach NCD and SUD, <i>and</i> Telegraph Hill-North Beach Residential SUD, <i>Polk Street NCD, and Pacific Avenue NCD*</i>	25 feet*
NC-2 districts on Balboa Street between 2nd Avenue and 8th Avenue, and between 32nd Avenue and 38th Avenue	50 feet

* For lots that do not have street frontage, the merger would not result in a lot with a width greater than 25 feet.

* * * *

SEC. 145.4 REQUIRED GROUND FLOOR COMMERCIAL USES.

(a) **Purpose.** To support active, pedestrian-oriented commercial uses on important commercial streets.

(b) **Applicability.** The requirements of this Section 145.4 apply to the following street frontages.

* * * *

(25) Post Street, between Fillmore Street and Laguna Street on the south side and between Webster Street and Laguna Street on the north side; *and*

(26) Divisadero Street for the entirety of the Divisadero Street NCT District;

1 (27) The entirety of the North Beach Neighborhood Commercial District and North
2 Beach Special Use District;-

3 (28) Any street frontage that is in the Polk Street Neighborhood Commercial District; and,
4 (29) Pacific Avenue, between Van Ness Avenue and Jones Street, on lots where the last
5 known ground floor use was a commercial or retail use.

6 (c) **Definitions.**

7 "Active commercial uses" shall include those uses specifically identified below in
8 Table 145.4, and:

9 (1) Shall not include Automotive Uses except for Automobile Sale or Rental
10 uses where curb-cuts, garage doors, or loading access are not utilized or proposed, and such
11 sales or rental activity is entirely within an enclosed building and does not encroach on
12 surrounding sidewalks or open spaces;

13 (2) Shall include Public Facilities as defined in Section 102 and ~~a~~ Public Uses as
14 defined in Section 890.80, except for Utility Installations; and

15 (3) Shall not include Residential Care Facilities as defined in Sections 102 and
16 890.50.

17 * * * *

18
19 Section ~~4~~ 3. The Planning Code is hereby amended by revising Sections 151, 151.1,
20 and 155, to read as follows:

21 **SEC. 151. SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES.**

22 (a) **Applicability.** Off-street parking spaces shall be provided in the minimum
23 quantities specified in Table 151, except as otherwise provided in Section 151.1 and Section
24 161 of this Code. Where the building or lot contains uses in more than one of the categories
25 listed, parking requirements shall be calculated in the manner provided in Section 153 of this

Code. Where off-street parking is provided which exceeds certain amounts in relation to the quantities specified in Table 151, as set forth in subsection (c), such parking shall be classified not as accessory parking but as either a ~~p~~Principal or a Conditional Use, depending upon the use provisions applicable to the district in which the parking is located. In considering an application for a Conditional Use for any such parking, due to the amount being provided, the Planning Commission shall consider the criteria set forth in Section 303(t) or 303(u) of this Code. Minimum off-street parking requirements shall be reduced, to the extent needed, when such reduction is part of a Development Project's compliance with the Transportation Demand Management Program set forth in Section 169 of ~~the Planning~~ this Code.

(b) **Minimum Parking Required.**

<p>Table 151 OFF-STREET PARKING SPACES REQUIRED</p>	
Use or Activity	Number of Off-Street Parking Spaces Required
Dwelling, except as specified below, and except in the Bernal Heights Special Use District as provided in Section 242	One for each Dwelling Unit.
Dwelling, in the Telegraph Hill - North Beach Residential Special Use District	None required. P up to three cars <u>0.5 parking spaces</u> for each four Dwelling Units; <u>subject to the controls and procedures of Section 249.49(c) and Section 155(t); C up to one car for each Dwelling Unit, subject to the criteria and procedures of Section 303(u); NP above preceding ratio.</u>
<u>Dwelling, in the Polk Street Neighborhood Commercial District</u>	<u>None required. P up to 0.5 cars for each Dwelling Unit; NP above preceding ratio.</u>
<u>Dwelling, in the Pacific Avenue Neighborhood Commercial District</u>	<u>None required. P up to 0.5 cars for each Dwelling Unit; C up to one car for each Dwelling Unit; NP above preceding ratios.</u>
* * * *	* * * *

* * * *

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

(a) **Applicability.** This Section 151.1 shall apply only to NCT, RC, RCD, RTO, Mixed Use, M-1, PDR-1-D, PDR-1-G, and C-3 Districts, and to the Broadway, Excelsior Outer Mission Street, Japantown, *and* North Beach, Polk, and Pacific Neighborhood Commercial Districts.

* * * *

SEC. 155. GENERAL STANDARDS AS TO LOCATION AND ARRANGEMENT OF OFF-STREET PARKING, FREIGHT LOADING AND SERVICE VEHICLE FACILITIES.

Required off-street parking and freight loading facilities shall meet the following standards as to location and arrangement. In addition, facilities which are not required but are actually provided shall meet the following standards unless such standards are stated to be applicable solely to required facilities. In application of the standards of this Code for off-street parking and loading, reference may be made to provisions of other portions of the Municipal Code concerning off-street parking and loading facilities, and to standards of the Better Streets Plan and the Bureau of Engineering of the Department of Public Works. Final authority for the application of such standards under this Code, and for adoption of regulations and interpretations in furtherance of the stated provisions of this Code shall, however, rest with the Planning Department.

* * * *

(r) **Protected Pedestrian-, Cycling-, and Transit-Oriented Street Frontages.** In order to preserve the pedestrian character of certain downtown and neighborhood commercial districts and to minimize delays to transit service, regulation of garage entries, driveways or other vehicular access to off-street parking or loading (except for the creation of new publicly-

1 accessible Streets and Alleys) ~~shall be regulated~~ on development lots shall be as follows on the
2 following street frontages:

3 (1) Folsom Street, from Essex Street to the Embarcadero, not permitted except
4 as set forth in Section 827.

5 (2) Not permitted:

6 * * * *

7 (GG) Polk Street between Filbert Street and Golden Gate Avenue,

8 (HH) California Street between Van Ness Avenue and Hyde Street,

9 (II) Hyde Street between California Street and Pine Street,

10 (JJ) Broadway between Van Ness Avenue and Larkin Street,

11 (KK) Bush Street between Van Ness Avenue and Larkin Street, and

12 (LL) Pine Street between Van Ness Avenue and Larkin Street.

13 * * * *

14 (§ 4) Parking and Loading Access.

15 * * * *

16
17 Section 5 4. The Planning Code is hereby amended by revising Section 186.1, to read
18 as follows:

19 **SEC. 186.1. EXEMPTION OF NONCONFORMING USES IN NEIGHBORHOOD**
20 **COMMERCIAL DISTRICTS.**

21 * * * *

22 (d) **Discontinuance.** A nonconforming use that is discontinued for a period of three
23 years, or otherwise abandoned or changed to another use that is listed in Article 7 of this
24 Code as a ~~p~~PPrincipal or ~~e~~CConditional ~~u~~Use for the district in which the use is located shall not
25 be reestablished, except ~~for~~ in the following instances:

(1) In the North Beach, Polk Street, Castro Street, and Haight Street Neighborhood Commercial Districts the period of non-use for a nonconforming use to be deemed discontinued shall be 18 months.

* * * *

Section 6 5. The Planning Code is hereby amended by revising Sections 207.6 and 207.8, to read as follows:

SEC. 207.6. REQUIRED MINIMUM DWELLING UNIT MIX IN RTO, RCD, NCT, DTR, ~~AND~~ EASTERN NEIGHBORHOODS MIXED USE DISTRICTS, THE POLK STREET AND PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICTS.

(a) **Purpose.** In order to foster flexible and creative infill development while maintaining the character of the district, dwelling unit density is not controlled by lot area in RTO, NCT, and Eastern Neighborhoods Mixed Use Districts but rather by the physical constraints of this Code (such as height, bulk, setbacks, open space, and dwelling unit exposure). However, to ensure an adequate supply of family-sized units in existing and new housing stock, new residential construction must include a minimum percentage of units of at least two bedrooms. In the Pacific Avenue and Polk Street Neighborhood Commercial Districts, a dwelling unit mix requirement addresses the need for family-sized housing production in these districts.

(b) **Applicability.**

(1) This Section shall apply in the RTO, RCD, NCT, DTR, ~~and~~ Eastern Neighborhoods Mixed Use Districts, and the Pacific Avenue and Polk Street NCDs.

* * * *

(c) **Controls.** For all RTO, RCD and NCT districts, as well as DTR, ~~and~~ Eastern Neighborhoods Mixed Use Districts and the Pacific Avenue and Polk Street NCDs, one of the following three must apply;

1 (1) no less than 40% of the total number of proposed Dwelling Units shall contain
2 at least two bedrooms. Any fraction resulting from this calculation shall be rounded to the
3 nearest whole number of Dwelling Units, or

4 (2) no less than 30% of the total number of proposed Dwelling Units shall contain
5 at least three bedrooms. Any fraction resulting from this calculation shall be rounded to the
6 nearest whole number of Dwelling Units, or

7 (3) no less than 35% of the total number of proposed Dwelling Units shall contain
8 at least two or three bedrooms with at least 10% of the total number of proposed Dwelling
9 Units containing three bedrooms. Any fraction resulting from this calculation shall be rounded to
10 the nearest whole number of Dwelling Units.

11 (d) **Modifications.**

12 (1) In NCT, RCD, ~~and~~ RTO and the Pacific Avenue and Polk Street NC Districts, these
13 requirements may be waived or modified with Conditional Use Authorization. In addition to
14 those conditions set forth in Section 303, the Planning Commission shall consider the
15 following criteria:

16 (A) The project demonstrates a need or mission to serve unique populations,
17 or

18 (B) The project site or existing building(s), if any, feature physical constraints
19 that make it unreasonable to fulfill these requirements.

20 * * * *

21 (e) **Monitoring.** The Department shall monitor projects that choose Option (2 B) or (3
22 C) in subsection (c)(~~2~~) above and shall include that data in the annual Housing Inventory
23 starting in 2019.

24 **SEC. 207.8. DIVISION OF DWELLING UNITS IN THE RTO, POLK STREET NCD, PACIFIC**
25 **AVENUE NCD, UPPER MARKET NCD, AND NCT DISTRICTS.**

1 In order to ensure an adequate supply of family-sized units in existing and new housing
2 stock, the subdivision of existing units is restricted. The division of any existing ~~d~~Dwelling
3 ~~u~~Unit into two or more units in RTO, Polk Street NCD, Pacific Avenue NCD ~~Upper Market NCD~~,
4 and NCT districts shall be permitted only if it meets both of the following conditions:

5 (a) The existing unit exceeds 2,000 occupied square feet or contains more than 3
6 bedrooms; and

7 (b) At least one of the resulting units is no less than 2 bedrooms and 1,250 square
8 feet in size.

9
10 Section 7 6. The Planning Code is hereby amended by revising Section 303, to read
11 as follows:

12 **SEC. 303. CONDITIONAL USES.**

13 (a) **General.** The Planning Commission shall hear and make determinations
14 regarding applications for the authorization of Conditional Uses in the specific situations in
15 which such authorization is provided for elsewhere in this Code. The procedures for
16 Conditional Uses shall be as specified in this Section 303 and in Sections 306 through 306.6,
17 except that Planned Unit Developments shall in addition be subject to Section 304, Hospitals
18 and Post-Secondary Educational Institutions shall in addition be subject to the Institutional
19 Master Plan requirements of Section 304.5.

20 * * * *

21 (f) **Conditional Use Abatement.** The Planning Commission may consider the
22 possible revocation of a Conditional Use or the possible modification of or placement of
23 additional conditions on a Conditional Use when the Planning Commission determines, based
24 upon substantial evidence, that the applicant for the Conditional Use had submitted false or
25 misleading information in the application process that could have reasonably had a substantial

1 effect upon the decision of the Commission or the Conditional Use is not in compliance with a
2 ~~e~~Condition of ~~a~~Approval, is in violation of law if the violation is within the subject matter
3 jurisdiction of the Planning Commission, or operates in such a manner as to create
4 hazardous, noxious, or offensive conditions enumerated in Section 202(c) if the violation is
5 within the subject matter jurisdiction of the Planning Commission and these circumstances
6 have not been abated through administrative action of the Director, the Zoning Administrator
7 or other City authority. Such consideration shall be the subject of a public hearing before the
8 Planning Commission but no fee shall be required of the applicant or the subject Conditional
9 Use operator.

10 * * * *

11 (o) **Eating and Drinking Uses.** With regard to a Conditional Use authorization
12 application for a Restaurant, Limited-Restaurant and Bar uses the Planning Commission shall
13 consider, in addition to the criteria set forth in ~~S~~subsection (c) above, the existing
14 concentration of eating and drinking uses in the area. Such concentration should not exceed
15 ~~25% percent~~ of the total commercial frontage as measured in linear feet within the immediate
16 area of the subject site except as otherwise provided in this subsection (o). The concentration of
17 eating and drinking uses in the Polk Street Neighborhood Commercial District shall not exceed 35% of
18 the total commercial frontage as measured in linear feet within the immediate area of the subject site.
19 For the purposes of this Section 303 of the Code, the immediate area shall be defined as all
20 properties located within 300' of the subject property and also located within the same zoning
21 district.

22 * * * *

23
24 Section 8 7. The Planning Code is hereby amended by revising Sections 723 and 726,
25 to read as follows:

1 **SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

2 (a) Background. Sitting in the gulch between Nob and Russian Hills and Pacific
3 Heights, the Polk Street Neighborhood Commercial District extends for a mile as a north-
4 south linear strip, and includes a portion of Larkin Street between Post and California Streets.
5 Polk Street's dense mixed-use character consists of buildings with residential units above
6 ground-story commercial use. The district has an active, pedestrian-oriented, and continuous
7 commercial frontage along Polk Street for almost all of its length. Larkin Street and side
8 streets in the district have a greater proportion of residences than Polk Street itself. California
9 Street and Hyde Street also have active, pedestrian-oriented, and commercial frontage that is small-
10 scale. The district is well served by transit and includes the historic California Cable Car. To preserve
11 and maintain the district's small-scale, fine grain storefronts, the consolidation or merger of existing
12 retail or commercial spaces or storefronts is prohibited and lot mergers are controlled. The district
13 provides convenience goods and services to the residential communities in the Polk Gulch
14 neighborhood and to the residents on the west slopes of Nob and Russian Hills. It has many
15 apparel and specialty stores, as well as some automobile uses, which serve a broader trade
16 area. Commercial uses also include offices, as well as movie theaters, restaurants, and bars
17 which keep the district active into the evening.

18 (b) Controls.

19 (1) Purposes. The Polk Street District controls are designed to encourage and
20 promote development ~~which~~ that is compatible with the surrounding neighborhood. The
21 building standards monitor large-scale development and protect rear yards at residential
22 levels. Consistent with Polk Street's existing mixed-use character, new buildings may contain
23 most commercial uses at the ~~f~~First two stories Story. The controls encourage neighborhood-
24 serving businesses, but limit new eating, drinking, other entertainment, and financial service
25 uses, which can produce parking congestion, noise, and other nuisances or displace other

1 types of local-serving convenience goods and services. They also prohibit new adult
2 entertainment uses. Restrictions on drive-up and most automobile uses protect the district's
3 continuous retail frontage and prevent further traffic congestion.

4 Housing developed in new buildings is encouraged above the ~~second~~ First sStory,
5 especially in the less intensely developed portions of the district along Larkin Street and on
6 large lots throughout the district. New housing development requires 40% or more two-bedroom plus
7 units to encourage families to live in the district. Parking is limited in new developments given the
8 district's transit access and the proximity to bus rapid transit along Van Ness Avenue parallel to the
9 district. Existing housing units are protected by ~~limitations~~ prohibitions on demolitions and
10 upper-story conversions. Accessory ~~d~~Dwelling ~~u~~Units are permitted within the district pursuant
11 to ~~S~~ubsection 207(c)(4) of this Code.

12 **(2) Replacement of a Legacy Business Requires Conditional Use Authorization.**

13 Where an immediately prior use was a Legacy Business, as defined under Administrative Code Section
14 2A.242, the controls require any new Non-Residential Use to obtain Conditional Use authorization;
15 this requirement shall not apply where: (A) the subject non-residential space has had no occupant and
16 has not been open to the public for three or more years from the date the application for the new use is
17 filed, or (B) where the Legacy Business has removed itself or has been otherwise removed from the
18 Legacy Business Registry.

19 **(3) Merger of Storefronts Prohibited.** To preserve and maintain the district's small-
20 scale, fine grain storefronts, the consolidation or merger of existing ground floor retail or commercial
21 spaces or storefronts shall be prohibited.

22 **(4) Loss of Residential Units.** To prevent the loss of existing Residential Units, the
23 removal, demolition, merger, or conversion of Residential Units above the First Story are prohibited
24 even if such loss of Residential Units would otherwise be allowed pursuant to Section 317 of this Code.
25

Table 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

Zoning Category		§ References	Polk Street NCD Controls	
BUILDING STANDARDS				
* * * *				
Street Frontage and Public Realm				
* * * *		* * * *	* * * *	
Lot Size (Per Development)		§§ 102, 121.1	P up to 9,999 <u>2,499</u> square feet; C 10,000 <u>2,500</u> square feet and above	
* * * *				
RESIDENTIAL STANDARDS AND USES				
Development Standards				
Usable Open Space [Per Dwelling Unit]	§§ 135, 136	60 square feet per unit if private, or 80 square feet per unit if common		
Off-Street Parking Requirements	§§ 145.1, 150, 151, 153 - 156, 159 - 161, 166, 204.5	<i>A minimum of one car parking space for every Dwelling Unit required. Certain exceptions permitted per § 161. <u>No car parking required.</u></i> Bike parking required per § 155.2. If car parking is provided, car share spaces are required when a project has 50 units or more per § 166.		
Dwelling Unit Mix	§ 207.6	<i>Not required. <u>No less than 40% of the total number of proposed Dwelling Units shall contain at least two bedrooms; or no less than 30% of the total number of proposed Dwelling Units shall contain at least three bedrooms.</u></i>		
Use Characteristics				
Single Room Occupancy	§ 102	P		
Student Housing	§ 102	P		
Residential Uses		Controls By Story		
		1st	2nd	3rd+

Residential Uses	§ 102	P	P	P
* * * *	* * * *	* * * *		
Loss and Division of Dwelling Units				
Residential Conversion	§ 317	€ <u>NP</u>	€ <u>NP</u>	NP
Residential Demolition and Merger	§ 317	€ <u>NP</u>	€ <u>NP</u>	€ <u>NP</u>
<u>Division of Dwelling Units</u>	<u>§ 207.8</u>	<u>Division of existing Dwelling Units P per §207.8.</u>		

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES <u>(7)</u>				
Development Standards				
* * * *	* * * *	* * * *		
Use Size	§§102, 121.2	P up to 2,499 <u>1,999</u> square feet; C 2,500 <u>2,000</u> square feet and above		
* * * *	* * * *	* * * *		
* * * *				
		Controls by Story		
		1st	2nd	3rd+
* * * *				
Sales and Service Use Category				
Retail Sales and Service Uses*	§§102, 202.2(a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Kennel	§102	€ <u>NP</u>	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *

1	Massage Establishment	§102	€ <u>NP</u>	NP	NP
2	Massage, Foot/Chair	§102	P <u>NP</u>	NP	NP
3	* * * *	* * * *	* * * *	* * * *	* * * *
4	<u>Services, Health</u>	<u>§102</u>	<u>NP</u>	<u>C</u>	<u>C</u>
5	* * * *	* * * *	* * * *	* * * *	* * * *
6	<u>Trade Shop</u>	§102	P	C	NP
7	* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below.

* * * *

(7) REPLACEMENT OF LEGACY BUSINESSES REQUIRES CONDITIONAL USE

AUTHORIZATION. *Where an immediately prior use was a Legacy Business, as defined under Administrative Code Section 2A.242, the controls require any new Non-Residential Use to obtain Conditional Use authorization; this requirement shall not apply where: (A) the subject non-residential space has had no occupant and has not been open to the public for three or more years from the date the application for the new use is filed, or (B) where the Legacy Business has removed itself or has been otherwise removed from the Legacy Business Registry.*

SEC. 726. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

(a) Background. The Pacific Avenue Neighborhood Commercial District, on Pacific Avenue from just east of Polk Street to all four corners of Pacific Avenue and Jones Street, is situated on the north slope of the Nob Hill neighborhood and south of the Broadway Tunnel. Pacific Avenue is a multi-purpose, small-scale mixed-use neighborhood shopping district on a narrow street that provides limited convenience goods to the adjacent neighborhoods.

(b) Controls.

(1) Purposes. The Pacific Avenue Neighborhood Commercial District controls are designed to promote a small, neighborhood serving mixed-use commercial street that preserves the surrounding neighborhood residential character. These controls are intended to preserve livability in a largely low-rise development residential neighborhood, enhance solar

access on a narrow street right-of-way, and protect residential rear yard patterns at the ground floor. Accessory dwelling units are permitted within the district pursuant to §Subsection 207(c)(4) of this Code.

(2) Replacement of a Legacy Business Requires Conditional Use Authorization.

Where an immediately prior use was a Legacy Business, as defined under Administrative Code Section 2A.242, the controls require any new Non-Residential Use to obtain Conditional Use authorization; this requirement shall not apply where: (A) the subject non-residential space has had no occupant and has not been open to the public for three or more years from the date the application for the new use is filed, or (B) where the Legacy Business has removed itself or has been otherwise removed from the Legacy Business Registry.

(3) Loss of Residential Units. To prevent the loss of existing Residential Units, the removal, demolition, merger, or conversion of Residential Units above the First Story are prohibited even if such loss of Residential Units would otherwise be allowed pursuant to Section 317 of this Code.

**Table 726. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

		Pacific Avenue NCD
Zoning Category	§ References	Controls
BUILDING STANDARDS		
* * * *		
Street Frontage and Public Realm		
Lot Size (Per Development)	§§ 102, 121.1	P up to 9,999 <u>2,499</u> square feet; C 10,000 <u>2,500</u> square feet and above
* * * *	* * * *	* * * *
* * * *		
RESIDENTIAL STANDARDS AND USES		
Development Standards		
Usable Open Space [Per Dwelling Unit]	§§ 135, 136	100 square feet per unit if private, or 133 square feet per unit if common

Off-Street Parking Requirements	§§ 145.1, 150, 151, 153 - 156, 159 - 161, 166, 204.5	<i>A minimum of one car parking space for every Dwelling Unit required. Certain exceptions permitted per § 161. No car parking required.</i> Bike parking required per § 155.2. If car parking is provided, car share spaces are required when a project has 50 units or more per § 166.		
Dwelling Unit Mix	§ 207.6	<i>Not required No less than 40% of the total number of proposed Dwelling Units shall contain at least two bedrooms; or no less than 30% of the total number of proposed Dwelling Units shall contain at least three bedrooms.</i>		
Use Characteristics				
Single Room Occupancy	§ 102	P		
Student Housing	§ 102	P		
Residential Uses		Controls By Story		
		1st	2nd	3rd+
Residential Uses	§ 102	P	P	P
* * * *	* * * *	* * * *		
Loss and Division of Dwelling Units				
Residential Conversion	§ 317	€ <u>NP</u>	NP	NP
Residential Demolition	§ 317	€ <u>NP</u>	NP	NP
Residential Merger	§ 317	€ <u>NP</u>	€ <u>NP</u>	€ <u>NP</u>
<u>Division of Dwelling Units</u>	<u>§ 207.8</u>	<u>Division of existing Dwelling Units P per §207.8.</u>		

Zoning Category	§ References	Controls
NON-RESIDENTIAL STANDARDS AND USES (6)		
Development Standards		

* * *		
Use Size	§ 102, 121.2	P up to 1,999 square feet; C 2,000 square feet and above
* * *	* * * *	* * * *
* * * *		
		Controls by Story
		1st 2nd 3rd+
* * * *		
Sales and Service Use Category		
* * * *	* * * *	* * * *
<i>Services, Health</i>	<i>§102</i>	<i>€ NP</i>
* * * *	* * * *	* * * *

(6) REPLACEMENT OF LEGACY BUSINESSES REQUIRES CONDITIONAL USE

AUTHORIZATION. *Where an immediately prior use was a Legacy Business, as defined under Administrative Code Section 2A.242, the controls require any new Non-Residential Use to obtain Conditional Use authorization; this requirement shall not apply where: (A) the subject non-residential space has had no occupant and has not been open to the public for three or more years from the date the application for the new use is filed, or (B) where the Legacy Business has removed itself or has been otherwise removed from the Legacy Business Registry.*

Section 9 8. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

1 Section 10 9. Scope of Ordinance. In enacting this ordinance, the Board of
2 Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections,
3 articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the
4 Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board
5 amendment additions, and Board amendment deletions in accordance with the "Note" that
6 appears under the official title of the ordinance.

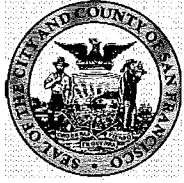
7
8 Section 11 40. Severability. If any section, subsection, sentence, clause, phrase, or
9 word of this ordinance, or any application thereof to any person or circumstance, is held to be
10 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision
11 shall not affect the validity of the remaining portions or applications of the ordinance. The
12 Board of Supervisors hereby declares that it would have passed this ordinance and each and
13 every section, subsection, sentence, clause, phrase, and word not declared invalid or
14 unconstitutional without regard to whether any other portion of this ordinance or application
15 thereof would be subsequently declared invalid or unconstitutional.

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

18 By:


JUDITH A. BOYAJIAN
Deputy City Attorney

n:\legana\as2017\1700533\01226805.docx



City and County of San Francisco
Tails
Ordinance

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

File Number: 170418

Date Passed: October 24, 2017

Ordinance amending the Planning Code to 1) limit lot sizes in the Pacific Avenue Neighborhood Commercial District ("Pacific NCD") and the Polk Street Neighborhood Commercial District ("Polk NCD"); 2) limit the size of Non-Residential Uses in the Pacific NCD and Polk NCD, and exempting movie theaters in the Polk NCD from certain size limits; 3) restrict lot mergers in the Pacific NCD and Polk NCD; 4) require ground floor Commercial Uses in the Polk NCD and on certain portions of Pacific Avenue; 5) modify residential and non-residential off-street parking requirements in the Pacific NCD and Polk NCD; 6) prohibit garage entries, driveways, or other vehicular access to off-street parking or loading on certain streets and alleys in the Pacific NCD and Polk NCD; 7) deem nonconforming uses in the Polk NCD to be discontinued after 18 months of non-use; 8) modify the maximum concentration of Eating and Drinking Uses in the Polk NCD; 9) prohibit massage establishment, chair/foot massage, and kennel uses in the Polk Street NCD; 10) restrict medical services in the Polk NCD and Pacific NCD; 11) prohibit storefront mergers in the Polk NCD; 12) require a dwelling unit mix in the Pacific NCD and Polk NCD; 13) prohibit the loss of residential units through demolition, merger, or conversion and allow division if it meets a dwelling unit mix requirement in the Polk NCD and Pacific NCD; 14) require Conditional Use authorization before replacing a legacy business in the Polk NCD and Pacific NCD; 15) correct, clarify, and simplify language in other Planning Code Sections; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public convenience, necessity, and welfare under Planning Code, Section 302.

October 02, 2017 Land Use and Transportation Committee - RECOMMENDED

October 17, 2017 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

October 17, 2017 Board of Supervisors - PASSED ON FIRST READING AS AMENDED


Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

October 24, 2017 Board of Supervisors - FINALLY PASSED

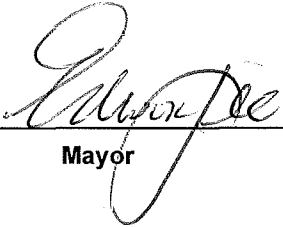
Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

File No. 170418

I hereby certify that the foregoing
Ordinance was FINALLY PASSED on
10/24/2017 by the Board of Supervisors of
the City and County of San Francisco.



Angela Calvillo
Clerk of the Board



Mayor



Date Approved