



SAN FRANCISCO PLANNING DEPARTMENT

New Planning Code Upper Market Neighborhood Commercial District Controls

Case Number: Board File No. 10-1464/ Ord. no 25-11

Initiated by: Planning Commission

Legislative Sponsor: Supervisor Mirkarimi

Effective Date: March 24, 2011

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

The Way It Was:

The Market & Octavia Plan amended the controls for many parcels previously zoned Upper Market Neighborhood Commercial. The area that is governed by this Ordinance is just outside of the M&O Plan and is the only remaining area in the City with the zoning district "Upper Market Neighborhood Commercial". The controls for this area were established in the mid-1980's during the neighborhood commercial rezoning effort. After a public process titled, "Upper Market Workshop Series", the Planning Commission endorsed a community vision and design guidelines for this area on October 23, 2008. This action did not include amendments the zoning controls.

The Way It Is Now:

The adopted Ordinance has added many of the "Market & Octavia Plan" controls to this district as follows:

- **Section 134 Rear Yards** are generally required at the ground floor and above.
- **Section 145.4 Required Ground Floor Commercial Uses** are required.
- **Section 151.1 Off-Street Parking** would permit up to one car for each two dwelling units and to allow by conditional use authorization up to 0.75 cars per dwelling units and to generally permit up to 1 commercial parking space per 1,500 square feet of occupied floor area, with an exception to allow more for retail grocery stores.
- **Section 155 General Standards for Parking and Loading** would not permit new garage entries on Market Street in this area.
- **Section 207.7 Restrictions On Demolition, Conversion, And Merger Of Existing Dwelling Units In RTO And NCT Districts** now adds restrictions on loss of existing units in the area above and beyond existing unit demolition controls that currently apply from Section 317.

- **Section 207.8 Division of Dwelling Units** now adds restrictions onto the splitting of dwelling units into smaller units.
- **Section 263.20 Special Height Exception** now allows a 5 foot height bonus in the portions of the Upper Market NCD that are currently zoned for heights of 40 and 50 feet.
- **Section 401 Definitions for Development Impact Fees; Section 416 et. Seq Market and Octavia Area Plan Affordable Housing Fee; Section 421.1 Findings for Development Impact Fees; Section 421.3 Application of Community Improvement Impact Fees; and Section 421.5 Market and Octavia Community Improvements Fund** now includes the Upper Market NCD in the “Program Area” for certain impact fees so that impact fees due in the Market and Octavia Area Plan are now generally be due in the Upper Market NCD.
- **Section 721 and 721.1 Upper Market Street Neighborhood Commercial District Description and Zoning Control Table District** have been amended to note the multimodal transportation options in the area; to include certain prohibitions on new vehicular access; to reference new height and bulk limits; to increase the rear yard requirement; to add provisions for active street frontages; and to replace commercial and residential parking minimum requirements with parking maximum limits; to reference restrictions to residential unit divisions.
- **Certain Exemptions.** Note that certain pre-existing projects were grandfathered from the fees and/or certain controls as described in an uncodified portion of the Ordinance titled “Section 4”. To remain exempt, the projects meet the criteria of this uncodified Section.

The link to signed legislation:

Board File No.	Ord. No.	Planning Code - Zoning - Amendment of Upper Market Neighborhood Commercial District; Extension of Market and Octavia Community Infrastructure Fee Area
101464	0025- 11	http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances11/o0025-11.pdf