[Planning Code - Reinstating Liquor License Controls and Establishing Conditional Use Requirement for Limited Restaurants in Union Street NCD]

Ordinance amending the San Francisco Planning Code section 725.1 to (1) reinstate controls to prohibit liquor license types 47 and 49 in the Union Street Neighborhood Commercial District; (2) requiring conditional use authorization for Limited Restaurants; (3) making environmental findings and findings of consistency with general plan.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

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

Section 1. Findings.

(a) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. _____, and incorporates such reasons herein by reference. A copy of said Planning Commission Resolution is on file with the Clerk of the Board of Supervisors in File No. _____.

(b) The Board of Supervisors finds that this ordinance is in conformity with the General Plan, and the Priority Policies of Planning Code Section 101.1 for the reasons set forth in Planning Commission Resolution No. _____, and hereby incorporates those reasons by reference.

(c) The Planning Department has determined that the actions contemplated in this ordinance are in compliance with the California Environmental Quality Act (California Public

Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein by reference.

Section 2. The San Francisco Planning Code is hereby amended by amending Section 725.1, to read as follows:

SEC. 725.1. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

The Union Street Commercial District is located in northern San Francisco between the Marina and Pacific Heights neighborhoods. The district lies along Union Street between Van Ness Avenue and Steiner, including an arm extending north on Fillmore Street to Lombard. The shopping area provides limited convenience goods for the residents of sections of the Cow Hollow, Golden Gate Valley, and Pacific Heights neighborhoods immediately surrounding the street. Important aspects of Union Street's business activity are eating and drinking establishments and specialty shops whose clientele comes from a wide trade area. There are also a significant number of professional, realty, and business offices. Many restaurants and bars as well as the district's two movie theaters are open into the evening hours, and on weekends the street's clothing, antique stores and galleries do a vigorous business.

The Union Street District controls are designed to provide sufficient growth opportunities for commercial development that is in keeping with the existing scale and character, promote continuous retail frontage, and protect adjacent residential livability. Small-scale buildings and neighborhood-serving uses are promoted, and rear yards above the ground story and at all residential levels are protected. Most commercial development is permitted at the first two stories of new buildings, while retail service uses are monitored at the third story and above. Controls are necessary to preserve the remaining convenience businesses and to reduce the cumulative impacts which the growth of certain uses have on neighborhood residents. Such controls prohibit additional drinking establishments and limit

additional eating establishments, entertainment, and financial service uses. Most automobile and drive-up uses are prohibited in order to maintain continuous retail frontage and minimize further traffic congestion.

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

SEC. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

			Union Street
No.	Zoning Category	§ References	**Controls**
BUILDING STANDARDS			
725.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250 - 252, 260, 261.1, 270, 271	40-X Height Sculpting on Alleys: § 261.1
725.11	Lot Size *[Per Development]*	§§ 121.1, 790.56	P, up to 4,999 sq. ft. C 5,000 sq. ft. & above § 121.1
725.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a) (e)
725.13	Street Frontage	*§145.1*	Required

			§ 145.1
725.14	Awning	§ 790.20	P § 136.1(a)
725.15	Canopy	§ 790.26	P § 136.1(b)
725.16	Marquee	§ 790.58	P § 136.1(c)
725.17	Street Trees		Required § 138.1
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
725.20	Floor Area Ratio	§§ 102.9, 102.11, 123	3.0 to 1 § 124(a) (b)
725.21	Use Size *[Non-Residential]*	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above § 121.2
725.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153 - 157, 159 - 160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
725.23	Off-Street Freight Loading	§§ 150, 153 - 155, 204.5	Generally, none required if gross floor

			area is less than 10,000 sq. ft. §§ 152, 161(b)
725.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
725.25	Drive-Up Facility	§ 790.30	
725.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
725.27	Hours of Operation	§ 790.48	P 6 a.m. - 2 a.m. C 2 a.m. - 6 a.m.
725.30	General Advertising Sign	§§ 262, 602 - 604, 608, 609	
725.31	Business Sign	§§ 262, 602 - 604, 608, 609	P § 607.1(f)(2)
725.32	Other Signs	§§ 262, 602 - 604, 608, 609	P § 607.1(c) (d) (g)

No.	Zoning Category	§ References	Union Street		
			Controls by Story		
		§ 790.118			

			1st	2nd	3rd+
725.38	Residential Conversion	§ 790.84	P	C	C
725.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
725.40	Other Retail Sales and Services *[Not Listed Below]*	§ 790.102	P	P	
725.41	Bar	§ 790.22			
725.43	Limited-Restaurant	§ 790.90	~~P~~C#		
725.44	Restaurant	§ 790.91	C#		
725.45	Liquor Store	§ 790.55	C		
725.46	Movie Theater	§ 790.64	P		
725.47	Adult Entertainment	§ 790.36			
725.48	Other Entertainment	§ 790.38	C		

725.49	Financial Service	§ 790.110	C	C	
725.50	Limited Financial Service	§ 790.112	P		
725.51	Medical Service	§ 790.114	P	P	C
725.52	Personal Service	§ 790.116	P	P	C
725.53	Business or Professional Service	§ 790.108	P	P	C
725.54	Massage Establishment	§ 790.60, § 1900 Health Code			
725.55	Tourist Hotel	§ 790.46	C	C	C
725.56	Automobile Parking	§§ 156, 160, 790.8	C	C	C
725.57	Automotive Gas Station	§ 790.14			
725.58	Automotive Service Station	§ 790.17			

725.59	Automotive Repair	§ 790.15			
725.60	Automotive Wash	§ 790.18			
725.61	Automobile Sale or Rental	§ 790.12			
725.62	Animal Hospital	§ 790.6	C		
725.63	Ambulance Service	§ 790.2			
725.64	Mortuary	§ 790.62			
725.65	Trade Shop	§ 790.124	P	C	
725.66	Storage	§ 790.117			
725.68	Fringe Financial Service	§ 790.111			
725.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
725.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.~~0~~4			
725.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P

725.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
Institutions and Non-Retail Sales and Services					
725.70	Administrative Service	§ 790.106			
725.80	Hospital or Medical Center	§ 790.44			
725.81	Other Institutions, Large	§ 790.50	P	C	C
725.82	Other Institutions, Small	§ 790.51	P	P	P
725.83	Public Use	§ 790.80	C	C	C
725.84	Medical Cannabis Dispensary	§ 790.141	P		
RESIDENTIAL STANDARDS AND USES					
725.90	Residential Use	§ 790.88	P	P	P
725.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area § 207.4		

725.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208
725.93	Usable Open Space *[Per Residential Unit]*	§§ 135, 136	Generally, either 80 sq. ft if private, or 100 sq. ft. if common § 135(d)
725.94	Off-Street Parking, Residential	§§ 150, 153 - 157, 159 - 160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)
725.95	Community Residential Parking	§ 790.10	

SPECIFIC PROVISIONS FOR THE UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT

Section	Other Code Section	Zoning Controls
§ 725.44	§ 790.91	UNION STREET RESTAURANTS **Boundaries:** Applicable to the Union Street

		Neighborhood Commercial District **Applicability:** The following controls apply to new uses as well to significant alterations, modifications, and intensifications of existing uses pursuant to § 178(c) of the Planning Code. **Controls:** The Planning Commission may approve a ~~R~~*r*estaurant if, in addition to meeting the criteria set forth in Section 303, *(1)* the use ~~(1)~~ is located on the ground floor, and (2) the Planning Commission finds that an additional ~~R~~*r*estaurant would not result in a net total of more than 44 restaurants in the Union Street Neighborhood Commercial District. The Planning Department shall apply Article 7 zoning controls for Union Street ~~*Full-Service*~~ ~~R~~*r*estaurants to conditional use authorizations required by Planning Code § 178, including but not limited to significant alterations, modifications, and intensifications of use. *No new alcoholic beverage license type 47 or 49 shall be permitted in the Union Street NCD. Transfer of an existing license type 47 or 49 from an existing Restaurant or Limited*

		Restaurant located within the Union Street NCD to another Restaurant or Limited Restaurant, new or existing, located within the Union Street NCD is permitted with Conditional Use authorization, consistent with the requirements of Planning Code Section 303.
§ 725.68	§ 249.35	FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD) **Boundaries:** The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Union Street Neighborhood Commercial District. **Controls:** Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).

Section 3. Effective Date. This ordinance shall become effective 30 days from the date of passage.

Section 4. This section is uncodified. In enacting this Ordinance, the Board intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,

punctuation, charts, diagrams, or any other constituent part of the Planning Code that are explicitly shown in this legislation as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the legislation.

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

By: _____
KATE HERRMANN STACY
Deputy City Attorney