

1 [24th Street – Noe Valley Neighborhood Commercial District – full-service restaurants and
2 bars.]

3 **Ordinance amending Planning Code Sections 728.41 and 728.42 of the 24th Street – Noe**
4 **Valley Neighborhood Commercial District to provide for a limited number of new full-**
5 **service restaurants and new bar uses that satisfy specific requirements and obtain**
6 **conditional use authorization; and making environmental findings and findings of**
7 **consistency with the priority policies of Planning Code Section 101.1 and the General**
8 **Plan.**

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10 Note: Additions are single-underline italics Times New Roman;
11 deletions are ~~strikethrough italics Times New Roman~~.
12 Board amendment additions are double underlined.
13 Board amendment deletions are ~~strikethrough normal~~.

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

15 Section 1. Findings. The Board of Supervisors of the City and County of San Francisco
16 hereby finds and determines that:

17 (a) On December 8, 2005, at a duly notice public hearing, the Planning Commission in
18 ~~Motion~~ Resolution No. 17158, found that the proposed Planning Code amendment was
19 consistent with the City's General Plan and with Planning Code Section 101.1(b). A copy of
20 said ~~Motion~~ Resolution is on file with the Clerk of the Board of Supervisors in File No. 051676
21 and is incorporated herein by reference. The Board finds that proposed Planning Code
22 amendment is consistent with the City's General Plan and with Planning Code Section
23 101.1(b) for the reasons set forth in said ~~Motion~~ Resolution.

24 (b) Pursuant to Planning Code Section 302, the Board finds that the proposed
25 Planning Code amendment will serve the public necessity, convenience and welfare for the

1 reasons set forth in Planning Commission Resolution No. 17158, which reasons are
2 incorporated herein by reference.

3 (c) The Planning Department has determined that the actions contemplated in this
4 Ordinance are in compliance with the California Environmental Quality Act (California Public
5 Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the
6 Board of Supervisors in File No. 051676 and is incorporated herein by reference.

7 Section 2. General Findings. The Board of Supervisors of the City and County of San
8 Francisco hereby finds and determines that:

9 (a) The 24th Street – Noe Valley Neighborhood Commercial District Zoning Controls
10 have not been substantially revised since their adoption in 1987.

11 (b) Since that time, the demographic and economic character of Noe Valley has
12 matured, bringing with it needs for new commercial facilities along 24th Street, some of which
13 are prohibited under current zoning controls.

14 (c) The underlying premise that led to the original prohibition of full-service restaurant
15 uses along 24th Street - that being to preclude an overwhelming shift of neighborhood retail
16 services toward food and drink facilities and maintain core neighborhood services - remains
17 sound.

18 (d) A gradual shift in the City-wide economy in recent years has led to closures of
19 neighborhood retail and restaurant establishments along 24th Street. Currently there are
20 approximately 6 small-scale vacant storefronts between Chattanooga and Douglass Streets
21 along 24th Street. The additional and prolonged vacancy of the former Real Foods outlet at
22 3939 24th Street, which had served as a neighborhood anchor tenant for many years, has
23 further contributed to a significant drop in pedestrian activity in the immediate area.
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(e) Concurrently, demand to establish full-service restaurants in locations on 24th Street, which have not housed such uses in the recent past, continues to accumulate.

(f) By allowing a limited number of new full-service restaurants to locate within the 24th Street – Noe Valley Neighborhood Commercial District during a specified time frame, the character of the neighborhood will be allowed to evolve. This will accommodate the needs of its residents without risking more significant and undesirable land use shifts.

(g) Such new full-service restaurants may occupy some of the vacant commercial spaces.

(h) New restaurants will be limited by number and conditional use criteria to avoid displacing neighborhood-serving uses.

(i) Such new full-service restaurants will attract patrons who would support existing and future local businesses within the 24th Street – Noe Valley Neighborhood Commercial District.

Section 3. The San Francisco Planning Code is hereby amended by amending Sections 728.41 and 728.42 of the 24th-Street – Noe Valley Neighborhood Commercial District Zoning Control Table and to read as follows:

**SEC. 728. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

				24 TH STREET – NOE VALLEY		
				CONTROLS BY STORY		
No.	A. Zoning Category	§ References		1 st	2 nd	3 rd +
728.41	Bar	§790.22		<u>C#</u>		

728.42	Full-Service Restaurant	§790.92	<u>C#</u>		
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Section 4. The San Francisco Planning Code is hereby amended by adding new provisions to the table entitled "Specific Provisions for the 24th Street – Noe Valley Neighborhood Commercial District" under Section 728 to read as follows:

SPECIFIC PROVISIONS FOR THE 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
<u>§728.41</u>	<u>§790.22</u>	<u>24th STREET – NOE VALLEY LIQUOR LICENSES FOR FULL-SERVICE RESTAURANTS</u> <u>Boundaries: Applicable to the 24th Street - Noe Valley Neighborhood Commercial District</u> <u>Controls: (a) In order to allow certain restaurants to seek an ABC license type 47 so that liquor may be served for drinking on the premises, a bar use, as defined in §790.22, may be permitted as a conditional use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission finds that:</u> <u>(1) The bar function is operated as an integral element of an establishment which is classified both as: (A) a full-service restaurant as defined in §790.92 and (B) a bona-fide restaurant as</u>

		<u>defined in §781.8(c); and</u> <u>(2) The establishment maintains only an ABC license type</u> <u>47. Other ABC license types, except those that are included within</u> <u>the definition of a full-service restaurant pursuant to §790.92, are</u> <u>not permitted for those uses subject to this Section.</u> <u>(b) Subsequent to the granting of a conditional use</u> <u>authorization under this Section, the Commission may consider</u> <u>immediate revocation of the previous conditional use</u> <u>authorization should an establishment no longer comply with any</u> <u>of the above criteria for any length of time.</u>
<u>§728.42</u>	<u>§790.92</u>	<u>24th STREET – NOE VALLEY FULL-SERVICE RESTAURANTS</u> <u>Boundaries: Applicable to the 24th Street - Noe Valley</u> <u>Neighborhood Commercial District</u> <u>Controls: (a) A full-service restaurant may be permitted as a</u> <u>conditional use on the ground level if, in addition to the criteria</u> <u>set forth in Section 303, the Planning Commission finds that:</u> <u>(1) The full-service restaurant does not occupy space that</u> <u>has been occupied by a basic neighborhood service since the</u> <u>effective date of this Section. For the purposes of this Section, a</u> <u>'basic neighborhood service' shall be considered to include, but</u> <u>not necessarily be limited to, the following: hardware stores, shoe</u> <u>repair facilities, bookstores, and grocery stores that sell a wide</u>

variety of staple goods and collect less than 50% of gross receipts from the sale of alcoholic beverages;

(2) Should the full-service restaurant seek the use of public sidewalk space through the Department of Public Works or another City agency, such use is conducted in a manner consistent with: (A) nearby commercial and residential uses and structures, and (B) the width of the sidewalk along the subject property and adjacent properties. New, expanded, or intensified use of public sidewalk space for a full-service restaurant authorized under this Section shall require a new conditional use authorization pursuant to Section 303;

(3) The Planning Commission has approved no more than a total of three (3) full-service restaurants in accordance with this Section. Should a full-service restaurant permitted under this Section cease operation and complete a lawful change of use to another principally or conditionally permitted use, the Commission may consider a new full-service restaurant in accordance with the terms of this Section; and

(4) No more than 60 months have elapsed from the effective date of this Section.

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

3 By: see original for signature
4 John D. Malamut
5 Deputy City Attorney
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