

1 [Planning Code - Upper Market Street Neighborhood Commercial Transit District; Second  
2 Floor Bars]

3 **Ordinance amending the Planning Code to allow an existing bar on the ground floor in**  
4 **the Upper Market Street Neighborhood Commercial Transit District to expand to the**  
5 **second floor under specified circumstances with a Conditional Use authorization;**  
6 **affirming the Planning Department’s determination under the California Environmental**  
7 **Quality Act; and making findings of consistency with the General Plan, and the eight**  
8 **priority policies of Planning Code, Section 101.1, and findings of public necessity,**  
9 **convenience, and welfare under Planning Code, Section 302.**

10 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
11 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
12 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
13 **Board amendment additions** are in double-underlined Arial font.  
14 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
15 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
16 subsections or parts of tables.

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

18 Section 1. Findings.

19 (a) The Planning Department has determined that the actions contemplated in this  
20 ordinance comply with the California Environmental Quality Act (California Public Resources  
21 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
22 Supervisors in File No. 151084 and is incorporated herein by reference. The Board affirms  
23 this determination.

24 (b) On February 4, 2016, the Planning Commission, in Resolution No. 19556,  
25 adopted findings that the actions contemplated in this ordinance are consistent, on balance,  
with the City’s General Plan and the eight priority policies of Planning Code Section 101.1.

1 The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk  
 2 of the Board of Supervisors in File No. 151084, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, this Board finds that the actions  
 4 contemplated in this ordinance will serve the public necessity, convenience, and welfare for  
 5 the reasons set forth in Planning Commission Resolution No. 19556 and the Board  
 6 incorporates such reasons herein by reference.

7  
 8 Section 2. The Planning Code is hereby amended by revising Section 733, to read as  
 9 follows:

10 \* \* \* \*

11 **Table 733. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL**  
 12 **TRANSIT DISTRICT ZONING CONTROL TABLE**

* * * *	* * * *	* * * *	* * * *		
	Zoning Category	§ References	Upper Market Street Transit Controls by Story		
		§ 790.118	1st	2nd	3rd+
* * * *					
<b>Retail Sales and Services</b>					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
733.41	Bar	§ 790.22	C	<del>C#</del>	-
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *

21 **SPECIFIC PROVISIONS FOR THE UPPER MARKET STREET**  
 22 **NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
* * * *	* * * *	* * * *
§ 733.41	§§ 102,	<i>Within the Upper Market Street Neighborhood Commercial Transit District, an existing Bar on the ground floor operating under a Conditional Use</i>

	790.22	<i>authorization may expand to the second floor if: (a) the space to be converted has not been in Residential use within the previous five years, (b) an internal staircase connecting the ground floor Bar use and the upper floor already exists, and (c) there will be no expansion of the building envelope.</i>
* * * *	* * * *	* * * *

Section 3. 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.

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

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

By: \_\_\_\_\_  
JUDITH A. BOYAJIAN  
Deputy City Attorney

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