

[Planning Code - Allowing an Existing Restaurant and/or Bar to Open a Second Location with a Conditional Use Authorization - North Beach Special Use District]

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2 **Ordinance amending the Planning Code to allow an existing restaurant and/or bar in**  
3 **the North Beach Special Use District to open a second location in the District with a**  
4 **conditional use authorization provided that it meets certain criteria; and affirming the**  
5 **Planning Department's California Environmental Quality Act determination, and making**  
6 **findings of consistency with the General Plan, and the eight priority policies of**  
7 **Planning Code, Section 101.1.**

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

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

16       Section 1. Findings.

17       (a) The Planning Department has determined that the actions contemplated in this  
18 ordinance comply with the California Environmental Quality Act (California Public Resources  
19 Code Sections 21000 et seq.). The Board of Supervisors hereby affirms said determination.  
20 Said determination is on file with the Clerk of the Board of Supervisors in File No. 150681 and  
21 is incorporated herein by reference.

22       (b) Pursuant to Planning Code Section 302, the Board of Supervisors finds that these  
23 Planning Code amendments will serve the public necessity, convenience, and welfare for the  
24 reasons set forth in Planning Commission Resolution No. 19385. The Board adopts these  
25

1 findings as its own. A copy of said Resolution is on file with the Clerk of the Board of  
2 Supervisors in File No. 150681, and is incorporated herein by reference.

3 (c) On June 4, 2015, the Planning Commission, in Resolution No. 19385, adopted  
4 findings that the actions contemplated in this ordinance are consistent, on balance, with the  
5 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board  
6 adopts these findings as its own.

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8 Section 2. The Planning Code is hereby amended by revising Section 780.30, to read  
9 as follows:

10 **SEC. 780.3. NORTH BEACH SPECIAL USE DISTRICT.**

11 In order to preserve and maintain the mix and variety of neighborhood-serving retail  
12 sales and personal services of a type which supplies commodities or offers personal services  
13 to residents of North Beach and nearby neighborhoods, there shall be a North Beach Special  
14 Use District applicable to the North Beach Neighborhood Commercial District, as designated  
15 on the Sectional Map SU01 of the Zoning Maps *of the City and County of San Francisco*. The  
16 following provisions shall apply within such district:

17 (a) Restaurants as defined in Section 790.91 of this Code and Bars as defined in  
18 Section 790.22 of this Code may be permitted as a conditional use on the ground level if, in  
19 addition to the criteria set forth in Section 303 *of this Code*, the Planning Commission finds that  
20 the Restaurant or Bar does not occupy:

21 (1) a space that is currently or was last occupied by a Basic Neighborhood Sale  
22 or Service, as defined in Section 780.3(b), or by a permitted principal use under Section 722  
23 (North Beach Controls); or  
24  
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1 (2) a vacant space last occupied by a nonconforming use or a permitted  
2 conditional use under Section 722 (North Beach Controls) that has been discontinued or  
3 abandoned pursuant to Section 186.1(d) or Section 178(d) of this Code.

4 (b) For purposes of this Section, a Basic Neighborhood Sale or Service shall mean a  
5 use within the North Beach Neighborhood Commercial District that provides goods and/or  
6 services which are needed by residents and workers in North Beach and surrounding  
7 neighborhoods. Basic Neighborhood Sales or Services shall be considered to include, but not  
8 be limited to the following goods and/or services: Other Retail Sales and Services as defined  
9 in Section 790.102, Personal Services as defined in Section 790.116, Medical Services as  
10 defined in Section 790.114, Liquor Stores as defined in Section 790.55, Trade Shops as  
11 defined in Section 790.124, Animal Hospitals as defined in Section 790.6, and Limited-  
12 Restaurants as defined in Section 790.90.

13 (c) Notwithstanding subsection (a) above, and notwithstanding the nonresidential use size  
14 limitations of the North Beach Neighborhood Commercial District specified in Section 121.2 of this  
15 Code, the Planning Commission may authorize an existing Restaurant and/or Bar in the District to  
16 expand to a second location within the District if, in addition to the criteria in Section 303, the  
17 Commission finds that:

18 (1) the existing Restaurant and/or Bar has been in continuous operation within the  
19 District for at least one five years;

20 (2) the proposed second location is a ground-level space of 5,000 square feet or more  
21 that has been vacant for at least 15 months;

22 (3) the Restaurant and/or Bar project at the proposed second location will use at least  
23 40 percent of the space for a Basic Neighborhood Sales or Service use, as defined in subsection (b)  
24 above;

1                   (4) the expansion of the existing Restaurant and/or Bar into a second location is  
2 consistent with the General Plan and the eight priority policies of Section 101.1 of this Code; and

3                   (5) the expansion of the existing Restaurant and/or Bar into a second location will  
4 provide a net substantial benefit to the District. For purposes of this subsection (c), a “net substantial  
5 benefit” means that, on balance, the proposed second location will provide a desirable new service or  
6 addition to the surrounding neighborhood and to the District as a whole and will not conflict with the  
7 purpose and intent of this Section 780.3.

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9                   Section 3. Effective Date. This ordinance shall become effective 30 days after  
10 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
11 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
12 of Supervisors overrides the Mayor’s veto of the ordinance.

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

20  
21 APPROVED AS TO FORM:  
22 DENNIS J. HERRERA, City Attorney

23 By:   
24 MARLENA BYRNE  
25 Deputy City Attorney

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City and County of San Francisco

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

Tails  
Ordinance

File Number: 150681

Date Passed: July 28, 2015

Ordinance amending the Planning Code to allow an existing restaurant in the North Beach Special Use District to open a second location in the District with a conditional use authorization provided that it meets certain criteria; affirming the Planning Department's California Environmental Quality Act determination; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

July 20, 2015 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

July 20, 2015 Land Use and Transportation Committee - RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

July 21, 2015 Board of Supervisors - PASSED ON FIRST READING

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

Excused: 1 - Campos

July 28, 2015 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 150681

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 7/28/2015 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo  
Clerk of the Board

  
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Mayor

8/6/15

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Date Approved