

File No. 150977

Committee Item No. _____

Board Item No. 45

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: October 6, 2015

Cmte Board

- | | | |
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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Ordinance in Board File No. 150816</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Leg Digest in Board File No. 150816</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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| <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Completed by: John Carroll

Date: October 1, 2015

Completed by: _____

Date: _____

1 [Approval of a 120-Day Extension for Planning Commission Review of New Restaurants and
2 Bars in the North Beach Special Use District (File No. 150816)]

3 **Resolution extending by 120 days the prescribed time within which the Planning**
4 **Commission may render its decision on a Ordinance (File No. 150816) amending the**
5 **Planning Code to allow a restaurant or bar in the North Beach Special Use District, with**
6 **conditional use authorization, to occupy a space currently or last occupied by a limited**
7 **restaurant; affirming the Planning Department's determination under the California**
8 **Environmental Quality Act; and making Planning Code, Section 302, findings, and**
9 **making findings of consistency with the General Plan, and the eight priority policies of**
10 **the Planning Code, Section 101.1.**

11
12 WHEREAS, On July 28, 2015, Supervisor Christensen introduced legislation amending
13 the Planning Code to allow a restaurant or bar in the North Beach Special Use District, with
14 conditional use authorization, to occupy a space currently or last occupied by a limited
15 restaurant; affirming the Planning Department's determination under the California
16 Environmental Quality Act; and making Planning Code Section 302 findings, and making
17 findings of consistency with the General Plan and the eight priority policies of the Planning
18 Code, Section 101.1; and

19 WHEREAS, A copy of said legislation is on file with the Clerk of the Board of
20 Supervisors in File No. 150816 and is incorporated herein by reference; and

21 WHEREAS, On or about August 4, 2015, the Clerk of the Board of Supervisors referred
22 the proposed ordinance to the Planning Commission, which currently is reviewing the
23 proposed ordinance; and

1 WHEREAS, The Planning Commission shall, in accordance with Planning Code,
2 Section 306.4(d), render a decision on the proposed Ordinance within 90 days from the date
3 of referral of the proposed amendment or modification by the Board to the Commission; and

4 WHEREAS, Failure of the Commission to act within 90 days shall be deemed to
5 constitute disapproval; and

6 WHEREAS, The Board, in accordance with Planning Code, Section 306.4(d) may, by
7 Resolution, extend the prescribed time within which the Planning Commission is to render its
8 decision on proposed amendments to the Planning Code that the Board of Supervisors
9 initiates; and

10 WHEREAS, Supervisor Christensen has requested additional time for the Planning
11 Commission to review the proposed Ordinance; and

12 WHEREAS, The Board deems it appropriate in this instance to grant to the Planning
13 Commission additional time to review the proposed Ordinance and render its decision; now,
14 therefore, be it

15 RESOLVED, That by this Resolution, the Board hereby extends the prescribed time
16 within which the Planning Commission may render its decision on the proposed Ordinance for
17 approximately 120 additional days, until March 1, 2016.

1 [Planning Code - New Restaurants and Bars in the North Beach Special Use District]

2

3 **Ordinance amending the Planning Code to allow a restaurant or bar in the North Beach**
4 **Special Use District, with conditional use authorization, to occupy a space currently or**
5 **last occupied by a limited restaurant; affirming the Planning Department’s**
6 **determination under the California Environmental Quality Act; and making findings of**
7 **consistency with the General Plan, and the eight priority policies of Planning Code,**
8 **Section 101.1.**

9

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

13

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

15

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.). Said determination is on file with the Clerk of the Board of
20 Supervisors in File No. _____ and is incorporated herein by reference. The Board affirms
21 this determination.

22

(b) On _____, the Planning Commission, in Resolution No. _____,
23 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
24 with the City’s General Plan and eight priority policies of Planning Code Section 101.1. The
25 Board adopts these findings as its own. A copy of said Resolution [OR determination] is on

1 file with the Clerk of the Board of Supervisors in File No. _____, and is incorporated
2 herein by reference.

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

8
9 Section 2. The Planning Code is hereby amended by revising Section 780.3, to read
10 as follows:

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

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

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

22 (1) a space that is currently or was last occupied by a Basic Neighborhood Sale
23 or Service, as defined in Section 780.3(b), or by a permitted principal use under Section 722
24 (North Beach Controls); or
25

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, *and* Animal Hospitals as defined in Section 790.6, ~~and Limited~~
12 ~~Restaurants as defined in Section 790.90.~~

13
14 Section 3. Effective Date. This ordinance shall become effective 30 days after
15 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
16 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
17 of Supervisors overrides the Mayor's veto of the ordinance.

18
19 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
20 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
21 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
22 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
23
24
25

1 additions, and Board amendment deletions in accordance with the "Note" that appears under
2 the official title of the ordinance.

3
4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6 By: _____
7 JUDITH A. BOYAJIAN
8 Deputy City Attorney

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LEGISLATIVE DIGEST

[Planning Code - New Restaurants and Bars in the North Beach Special Use District]

Ordinance amending the Planning Code to allow a restaurant or bar in the North Beach Special Use District, with conditional use authorization, to occupy a space currently or last occupied by a limited restaurant; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

Planning Code Section 780.3 establishes the North Beach Special Use District. Restaurants and Bars are permitted on the ground floor with a Conditional Use authorization if the Planning Commission finds, among other things, that the Restaurant or Bar does not occupy a space that was currently or was last occupied by a Basic Neighborhood Sale or Service. A Basic Neighborhood Sale or Service is defined as a use that "provides goods and/or services which are needed by residents and workers in North Beach and surrounding neighborhoods and includes, but is not limited to, Other Retail Sales and Services, Personal Services, Medical Services, Liquor Stores, Trade Shops, Animal Hospitals, and Limited Restaurants, as those uses are defined in Article 7.

Amendments to Current Law

Section 780.3 is proposed to be amended to delete Limited Restaurants from the list of uses that are included within the definition of Basic Neighborhood Sale or Service. This will allow a Restaurant or Bar, with Conditional Use authorization, to occupy a space currently or last occupied by a Limited Restaurant. A Limited Restaurant is defined in Section 790.90 as a retail eating and/or drinking use which serves foods and/or drinks to customers for consumption on or off the premises, and may or may not have seating. It includes, but is not limited to, specialty foods provided by bakeries, delicatessens, and confectioneries. A Limited Restaurant cannot provide on-site beer and/or wine sales for consumption on the premises but sell may sell beer and/or wine for consumption off the premises with a California Alcoholic Beverage Control Board license.

Background Information

The North Beach Special Use District was enacted in 2008 in response to neighborhood concerns about the growing number of restaurants and bars and the consequent loss of neighborhood-serving uses. Thus, the stated purpose of the Special Use District is "to preserve and maintain the mix and variety of neighborhood-serving retail sales and personal services of a type which supplies commodities or offers personal services to residents of North Beach and nearby neighborhoods." In 2012, the different types of food service uses in

the Planning Code were redefined and the North Beach Special Use District controls were amended to delete "Self-Service Specialty Food" from the list of uses included within the definition of Basic Neighborhood Sale or Service and replace it with Limited Restaurant. However, a Limited Restaurant does not have the same definition as the prior Self-Service Specialty Food use, which was defined in former Section 790.93 as "a retail use whose primary function is to prepare and provide ready to eat specialty foods to a high volume of customers who carry out the food for off-premises consumption" A Restaurant or Bar in the North Beach Neighborhood Commercial District (Planning Code Section 722) would still require a Conditional Use authorization on the ground floor but would be allowed to replace a Limited Restaurant.

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Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

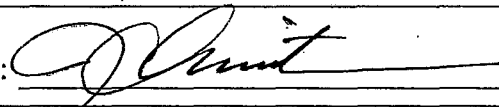
Supervisor Julie Christensen

Subject:

Approval of a 120-Day Extension for Planning Commission Review of New Restaurants and Bars in the North Beach Special Use District (File No. 150816)

The text is listed below or attached:

Resolution extending by 120 days the prescribed time within which the Planning Commission may render its decision on a Ordinance (File No. 150816) amending the Planning Code to allow a restaurant or bar in the North Beach Special Use District, with conditional use authorization, to occupy a space currently or last occupied by a limited restaurant; affirming the Planning Department's determination under the California Environmental Quality Act; and making Planning Code, Section 302, findings, and making findings of consistency with the General Plan and the eight priority policies of the Planning Code, Section 101.1.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: