

1 [Planning – Inner Clement Street Neighborhood Commercial District - full-service restaurants  
2 and bars.]

3 **Ordinance amending Planning Code Sections 716.1, 716.41, and 716.42 of the Inner**  
4 **Clement Street Neighborhood Commercial District to provide for a limited number of**  
5 **new full-service restaurants and new wine and beer bar uses that satisfy specific**  
6 **requirements and obtain conditional use authorization, making environmental findings,**  
7 **and making findings of consistency with the General Plan and priority policies of**  
8 **Planning Code Section 101.1.**

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

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

13 Section 1. Findings. The Board of Supervisors of the City and County of San Francisco  
14 hereby finds and declares as follows:

15 (1) The Inner Clement Street Neighborhood Commercial District Zoning Controls have  
16 not been substantially revised since their adoption in 1987.

17 (2) Since that time, the demographic and economic character of the Inner Richmond  
18 District has matured, bringing with it needs for new commercial facilities along Inner Clement  
19 Street, some of which are prohibited under current zoning controls.

20 (3) The underlying premise that led to the original prohibition of full-service restaurant  
21 uses and bars along Inner Clement Street - that being to preclude an overwhelming shift of  
22 neighborhood retail services toward food and drink facilities and maintain core neighborhood  
23 services – remains sound.

24 (4) A gradual shift in the City-wide economy in recent years has led to closures of  
25 some neighborhood retail establishments along Inner Clement Street. Currently there are a

1 number of small-scale vacant storefronts between Arguello Street and Funston Avenue along  
2 Clement Street.

3 (5) Concurrently, demand to establish full-service restaurants and wine and beer bars  
4 in locations on Inner Clement Street, which have not housed such uses in the recent past,  
5 continues to accumulate.

6 (6) By allowing a limited number of new full-service restaurants and wine and beer  
7 bars to locate within the Inner Clement Street Neighborhood Commercial District during a  
8 specified time frame, the character of the neighborhood will be allowed to evolve. This will  
9 accommodate the needs of its residents without risking more significant and undesirable land  
10 use shifts.

11 (7) Such new full-service restaurants and wine and beer bars may occupy some of the  
12 vacant commercial spaces.

13 (8) New full-service restaurants and wine and beer bars will be limited by number and  
14 conditional use criteria to avoid displacing neighborhood-serving uses.

15 (9) Such new full-service restaurants and wine and beer bars will attract patrons who  
16 would support existing and future local businesses within the Inner Clement Street  
17 Neighborhood Commercial District.

18 Section 2. Environmental Findings, General Plan Findings, and Other Required Findings.

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

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1 (b) On \_\_\_\_\_, 2007, the Planning Commission, in Resolution No.  
2 \_\_\_\_\_ approved and recommended for adoption by the Board this legislation and  
3 adopted findings that it is consistent, on balance, with the City's General Plan and eight  
4 priority policies of Planning Code Section 101.1 The Board adopts these findings as its own.  
5 A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No.  
6 \_\_\_\_\_, and is incorporated by reference herein.

7 (c) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this  
8 legislation will serve the public necessity, convenience, and welfare for the reasons set forth in  
9 Planning Commission Resolution No. \_\_\_\_\_, and incorporates such reasons by  
10 reference herein.

11 Section 3. The San Francisco Planning Code is hereby amended by amending  
12 Sections 716.1 to read as follows:

13 **SEC. 716.1 INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

14 The Inner Clement Street Commercial District is located on Clement Street between  
15 Arguello Boulevard and Funston Avenue in the eastern portion of the Richmond District of  
16 northwest San Francisco. The district provides a wide selection of convenience goods and  
17 services for the residents of the Inner Richmond neighborhood. Inner Clement Street has one  
18 of the greatest concentrations of restaurants of any commercial street in San Francisco,  
19 drawing customers from throughout the City and region. There are also a significant number  
20 of professional, realty, and business offices as well as financial institutions. The pleasant  
21 pedestrian character of the district is derived directly from the intensely active retail frontage  
22 on Clement Street.

23 The Inner Clement Street District controls are designed to promote development that is  
24 consistent with its existing land use patterns and to maintain a harmony of uses that supports  
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1 the district's vitality. The building standards allow small-scale buildings and uses, protecting  
 2 rear yards above the ground story and at residential levels. In new development, most  
 3 commercial uses are permitted at the first two stories, although certain limitations apply to  
 4 uses at the second story. Special controls are necessary to preserve the equilibrium of  
 5 neighborhood-serving convenience and comparison shopping businesses and protect  
 6 adjacent residential livability. These controls prohibit additional ~~eating and drinking~~  
 7 ~~establishments~~ and financial service and limit additional eating and drinking establishments,  
 8 late-night commercial uses and ground-story entertainment uses. In order to maintain the  
 9 street's active retail frontage, controls also prohibit most new automobile and drive-up uses.

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

13 Section 4. The San Francisco Planning Code is hereby amended by amending  
 14 Sections 716.41 and 716.42 of the Inner Clement Street Neighborhood Commercial District  
 15 Zoning Control Table and to read as follows:

16 **SEC. 716 INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT**  
 17 **ZONING CONTROL TABLE**

			INNER CLEMENT STREET		
			CONTROLS BY STORY		
No.	A. Zoning Category	§ References	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
716.41	Bar	§790.22	<u>C</u>		
716.42	Full-Service Restaurant	§790.92	<u>C</u>		

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Section 5. The San Francisco Planning Code is hereby amended by adding a new table entitled "Specific Provisions for the Inner Clement Street Neighborhood Commercial District" under Section 716 to read as follows:

**SPECIFIC PROVISIONS FOR THE INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

<u>Article 7</u> <u>Code Section</u>	<u>Other Code</u> <u>Section</u>	<u>Zoning Controls</u>
<u>§716.41</u>	<u>§790.22</u>	<p><u>INNER CLEMENT STREET LIQUOR LICENSES FOR FULL-SERVICE RESTAURANTS</u></p> <p><u>Boundaries: Applicable to the Inner Clement Street Neighborhood Commercial District</u></p> <p><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></p> <p><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 defined in §781.8(c); and</u></p> <p><u>(2) The establishment maintains only an ABC</u></p>

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		<p><u>license type 47. Other ABC license types, except those that are included within the definition of a full-service restaurant pursuant to §790.22, are not permitted for those uses subject to this Section.</u></p> <p><u>(b) Subsequent to the granting of a conditional use authorization under this Section, the Commission may consider immediate revocation of the previous conditional use authorization should an establishment no longer comply with any of the above criteria for any length of time.</u></p>
<p><u>§716.41</u></p>	<p><u>§790.22</u></p>	<p><u>INNER CLEMENT STREET LIQUOR LICENSES FOR BARS</u></p> <p><u>Boundaries: Applicable to the Inner Clement Street Neighborhood Commercial District</u></p> <p><u>Controls: (a) In order to allow wine and/or beer bars to seek an ABC license type 42 so that wine and beer (but not hard spirits) 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></p> <p><u>(1) The bar function is operated as a wine and beer bar with an ABC license type 42, which may include incidental food services; and</u></p> <p><u>(2) The establishment maintains only an ABC</u></p>

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		<p><u>license type 42 and/or an ABC license type 20 permitting off-premises sales of wine and beer. Other ABC license types, except those that are included within the definition of a full-service restaurant pursuant to §790.22, are not permitted for those uses subject to this Section.</u></p> <p><u>(b) Subsequent to the granting of a conditional use authorization under this Section, the Commission may consider immediate revocation of the previous conditional use authorization should an establishment no longer comply with any of the above criteria for any length of time.</u></p>
<p><u>§716.41 and 716.42</u></p>	<p><u>§790.92 and 790.22</u></p>	<p><u>INNER CLEMENT STREET FULL-SERVICE RESTAURANTS AND BARS</u></p> <p><u>Boundaries: Applicable to the Inner Clement Street Neighborhood Commercial District</u></p> <p><u>Controls: A full-service restaurant or a bar 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 has approved no more than a total of three (3) full-service restaurants or bars in accordance with this Section. Should a full-service restaurant or bar 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 or bar in accordance with the terms of</u></p>

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

By: \_\_\_\_\_  
Andrew W. Garth  
Deputy City Attorney