

1 [Planning – Union Street Neighborhood Commercial District - full-service restaurants.]

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3 **Ordinance amending Planning Code Sections 725.1 and 725.42 of the Union Street**
4 **Neighborhood Commercial District to provide for a limited number of new full-service**
5 **restaurant uses that satisfy specific requirements and obtain conditional use**
6 **authorization, making environmental findings, and making findings of consistency with**
7 **the General Plan and priority policies of Planning Code Section 101.1.**

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

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

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

14 (1) The Union Street Neighborhood Commercial District Zoning Controls applicable to
15 full-service restaurants have not been substantially revised since their adoption in 1987.

16 (2) Since that time, the demographic and economic character of the Marina District
17 has continued to evolve, bringing with it needs for new commercial facilities along Union
18 Street, some of which are prohibited under current zoning controls.

19 (3) The underlying premise that led to the original prohibition of full-service restaurant
20 uses along Union Street - that being to preserve existing convenience businesses and to
21 minimize growth impacts on neighborhood residents – remains sound.

22 (4) Demand to establish full-service restaurants in locations on Union Street continues
23 to accumulate.

24 (5) By allowing a limited number of new full-service restaurants to locate within the
25 Union Street Neighborhood Commercial District during a specified time frame, the

1 neighborhood will have additional land use planning options. This flexibility will accommodate
2 the needs of neighborhood residents and maintain the vibrancy of the community, without
3 risking more significant and undesirable land use shifts.

4 (6) New full-service restaurants allowed pursuant to this ordinance may occupy vacant
5 commercial spaces in the neighborhood.

6 (7) New full-service restaurants will be limited by number and conditional use criteria to
7 avoid displacing other neighborhood-serving uses.

8 (8) Such new full-service restaurants will attract patrons who would support existing
9 and future local businesses within the Union Street Neighborhood Commercial District.

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

11 (a) The Planning Department has determined that the actions contemplated in this
12 Ordinance are in compliance with the California Environmental Quality Act (California Public
13 Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the
14 Board of Supervisors in File No. _____ and is incorporated herein by
15 reference.

16 (b) On _____, 2007, the Planning Commission, in Resolution No.
17 _____ approved and recommended for adoption by the Board this legislation and
18 adopted findings that it is consistent, on balance, with the City's General Plan and eight
19 priority policies of Planning Code Section 101.1 The Board adopts these findings as its own.
20 A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No.
21 _____, and is incorporated by reference herein.

22 (c) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
23 legislation will serve the public necessity, convenience, and welfare for the reasons set forth in
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1 Planning Commission Resolution No. _____, and incorporates such reasons by
2 reference herein.

3 Section 3. The San Francisco Planning Code is hereby amended by amending
4 Section 725.1 to read as follows:

5 **SEC. 725.1 UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

6 The Union Street Commercial District is located in northern San Francisco between the
7 Marina and Pacific Heights neighborhoods. The district lies along Union Street between Van
8 Ness Avenue and Steiner, including an arm extending north on Fillmore Street to Lombard.
9 The shopping area provides limited convenience goods for the residents of sections of the
10 Cow Hollow, Golden Gate Valley, and Pacific Heights neighborhoods immediately
11 surrounding the street. Important aspects of Union Street's business activity are eating and
12 drinking establishments and specialty shops whose clientele comes from a wide trade area.
13 There are also a significant number of professional, realty, and business offices. Many
14 restaurants and bars are open into the evening hours, and on weekends the street's clothing,
15 antique stores and galleries do a vigorous business.

16 The Union Street District controls are designed to provide sufficient growth
17 opportunities for commercial development that is in keeping with the existing scale and
18 character, promote continuous retail frontage, and protect adjacent residential livability.
19 Small-scale buildings and neighborhood-serving uses are promoted, and rear yards above the
20 ground story and at all residential levels are protected. Most commercial development is
21 permitted at the first two stories of new buildings, while retail service uses are monitored at
22 the third story and above. Controls are necessary to preserve the remaining convenience
23 businesses and to reduce the cumulative impacts which the growth of certain uses have on
24 neighborhood residents. Such controls prohibit additional ~~eating and~~ drinking establishments
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1 and limit additional eating establishments and entertainment and financial service uses. Most
 2 automobile and drive-up uses are prohibited in order to maintain continuous retail frontage
 3 and minimize further traffic congestion.

4 Housing development in new buildings is encouraged above the second story. Existing
 5 residential units are protected by limitations on demolitions and upper-story conversions.

6 Section 4. The San Francisco Planning Code is hereby amended by amending Section
 7 725.42 of the Union Street Neighborhood Commercial District Zoning Control Table to read
 8 as follows:

9 **SEC. 725 UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**
 10 **CONTROL TABLE**

			UNION STREET		
			CONTROLS BY STORY		
No.	A. Zoning Category	§ References	1 st	2 nd	3 rd +
725.42	Full-Service Restaurant	§790.92	<u>C</u>		

16 Section 5. The San Francisco Planning Code is hereby amended by adding a new table
 17 entitled "Specific Provisions for the Union Street Neighborhood Commercial District" under
 18 Section 725 to read as follows:

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

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<u>Article 7</u> <u>Code Section</u>	<u>Other Code</u> <u>Section</u>	<u>Zoning Controls</u>
<u>§725. 42,</u>	<u>§790.22,</u> <u>790.92</u>	<u>UNION STREET LIQUOR LICENSES FOR FULL-SERVICE RESTAURANTS</u> <u>Boundaries: Applicable to the Union Street 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 defined in §781.8(c); and</u> <u>(2) The establishment maintains only an ABC 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> <u>(b) Subsequent to the granting of a conditional use authorization under this Section, the Commission may consider immediate revocation of the previous conditional</u>

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		<i>use authorization should an establishment no longer comply with any of the above criteria for any length of time.</i>
<u>\$725.42</u>	<u>\$790.92,</u> <u>\$790.22</u>	<u>UNION STREET FULL-SERVICE RESTAURANTS</u> <i><u>Boundaries: Applicable to the Union Street Neighborhood Commercial District</u></i> <i><u>Controls: A full-service restaurant 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 ten (10) 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.</u></i>

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

By: _____
Andrew W. Garth
Deputy City Attorney