

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 ~~*strikethrough italics Times New Roman font*~~.  
12 **Board amendment additions** are in double-underlined Arial font.  
13 **Board amendment deletions** are in ~~strikethrough 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

9 n:\legana\as2015\1600008\01031465.doc

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25