

1 [Planning Code - Abandonment of Conditional Uses in North Beach Neighborhood  
2 Commercial District]

3 **Ordinance amending the Planning Code to change, from 18 months to three years, the**  
4 **period of non-use required to deem as discontinued a permitted conditional use in the**  
5 **North Beach Neighborhood Commercial District; affirming the Planning Department’s**  
6 **determination under the California Environmental Quality Act; making findings of**  
7 **consistency with the General Plan, and the eight priority policies of Planning Code,**  
8 **Section 101.1; and making public necessity, convenience, and welfare findings under**  
9 **Planning Code, Section 302.**

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

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

18 Section 1. Findings.

19 (a) The Planning Department has determined that the actions contemplated in this  
20 ordinance comply with the California Environmental Quality Act (California Public Resources  
21 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
22 Supervisors in File No. 190731 and is incorporated herein by reference. The Board affirms  
23 this determination.

24 (b) On July 11, 2019, the Planning Commission took action to waive its authority to  
25 hear this file. Said waiver is on file with the Clerk of the Board of Supervisors in File No.  
190731, and is incorporated herein by reference. The Board hereby finds, in Resolution No.

1 \_\_\_\_\_, adopted findings that the actions contemplated in this ordinance are consistent,  
2 on balance, with the City's General Plan, for the following reasons: consistent with Policy 1.2  
3 of the Commerce and Industry Element, it assures that all commercial and industrial uses  
4 meet minimum, reasonable performance standards; consistent with Policy 1.3 of the  
5 Commerce and Industry Element, it facilitates the location of commercial and industrial  
6 activities according to a generalized commercial and industrial land use plan within the  
7 boundaries of the North Beach Neighborhood Commercial District; consistent with Policy 1.4  
8 of the Commerce and Industry Element, it furthers appropriate limits on commercial and  
9 industrial density within the North Beach Neighborhood Commercial District; consistent with  
10 Policy 2.1 of the Commerce and Industry Element, it facilitates the retention of existing  
11 commercial and industrial activity and attracts new such activity to the city by prolonging the  
12 period before which a previously-authorized use is deemed abandoned; it is consistent with  
13 Policy 2.3 of the Commerce and Industry Element because it maintains a favorable social and  
14 cultural climate in the city and in the North Beach Neighborhood Commercial District, in  
15 particular, in order to enhance its attractiveness; and, further, it is consistent with the eight  
16 priority policies of Planning Code Section 101.1, because it would enhance a diverse  
17 economic base and protect industry from displacement, it would preserve existing  
18 neighborhood-serving retail uses and enhance future opportunities for resident employment in  
19 and ownership of such businesses. The ordinance would have no effect on other policies set  
20 forth in the City's General Plan. The Board adopts these findings as its own. A copy of said  
21 Resolution is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_, and is  
22 incorporated herein by reference.

23 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds from the  
24 facts presented before the Land Use and Transportation Committee on July 22, 2019 that the  
25 actions contemplated in this ordinance will serve the public necessity, convenience, and

1 welfare for the reasons set forth in subsection (b) above. ~~in the Planning Commission~~  
2 ~~Resolution referenced above.~~

3  
4 Section 2. Article 1.7 of the Planning Code is hereby amended by revising Section  
5 178, to read as follows:

6 **SEC. 178. CONDITIONAL USES.**

7 \* \* \* \*

8 (d) **Abandonment.** A permitted conditional use that is discontinued for a period of  
9 three years, or otherwise abandoned, shall not be restored, except upon approval of a new  
10 conditional use application pursuant to the provisions of Article 3 of this Code. For purposes of  
11 this ~~S~~subsection (d), the period of nonuse for a permitted conditional use to be deemed  
12 discontinued in the ~~North Beach and~~ Castro Street Neighborhood Commercial Districts, and the  
13 Jackson Square Special Use District shall be ~~eighteen~~(18) months.

14 A permitted conditional Formula Retail use which is discontinued for a period of 18  
15 months, or otherwise abandoned, shall not be restored, except upon approval of a new  
16 conditional use application pursuant to Article 3 of this Code.

17 \* \* \* \*

18  
19 Section 3. Effective Date. This ordinance shall become effective 30 days after  
20 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
21 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
22 of Supervisors overrides the Mayor's veto of the ordinance.

23 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
24 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
25 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal

1 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
2 additions, and Board amendment deletions in accordance with the "Note" that appears under  
3 the official title of the ordinance.

4

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

7

8 By: \_\_\_\_\_  
9 VICTORIA WONG  
Deputy City Attorney  
10 n:\legana\as2019\1900649\01378859.docx

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25