

FILE NO. 090274

ORDINANCE NO.

1 [Planning – Union Street Neighborhood Commercial District – Small Self-Service Restaurants
2 and Self-Service Specialty Food Uses.]

3 **Ordinance amending Planning Code Section 725.1, Section 725.44, and Section**
4 **725.69A of the Union Street Neighborhood Commercial District Zoning Control Table**
5 **to provide for a limited number of new Small Self-Service Restaurants and Self-Service**
6 **Specialty Food uses subject to conditional use authorization by the Planning**
7 **Commission, making environmental findings, and making findings of consistency with**
8 **the General Plan and priority policies of Planning Code Section 101.1.**

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

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

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

17 (1) The Union Street Neighborhood Commercial District Zoning Controls applicable to
18 Small Self-Service Restaurants have not been substantially revised since their adoption in
19 1987.

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

23 (3) On October 21, 2008, the Board of Supervisors passed Ordinance 245-08 creating
24 the new zoning category of Self-Service Specialty Food use, defined in Planning Code
25 Section 790.93.

1 (4) The Planning Code currently prohibits additional Small Self-Service Restaurants
2 and Self-Service Specialty Food uses in the Union Street Neighborhood Commercial District
3 ("Union Street NCD"). Taken together, there are a total of seven Small Self-Service
4 Restaurants and Self-Service Specialty Food uses in the Union Street NCD.

5 (5) As of February 2009, there are 16 empty storefronts in the Union Street
6 Neighborhood Commercial District.

7 (6) The underlying premise that led to the original prohibition of new restaurant and
8 food uses along Union Street – to preserve existing convenience businesses and to minimize
9 growth impacts on neighborhood residents – remains sound.

10 (7) By allowing a limited number of new Small Self-Service Restaurants and Self-
11 Service Specialty Food uses to locate within the Union Street NCD, the neighborhood will
12 have additional land use planning options. This flexibility will accommodate the needs of
13 neighborhood residents and maintain the vibrancy of the community, without risking more
14 significant and undesirable land use shifts.

15 (8) New Small Self-Service Restaurants and Self-Service Specialty Food uses allowed
16 pursuant to this ordinance have the potential to fill commercial spaces in the neighborhood
17 that could otherwise remain vacant. These new uses attract patrons who support existing and
18 future businesses within the Union Street NCD.

19 (9) New Small Self-Service Restaurants and Self-Service Specialty Food uses will be
20 limited in number and by conditional use criteria to avoid displacing other neighborhood-
21 serving uses.

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

23 (a) The Planning Department has determined that the actions contemplated in this
24 Ordinance are in compliance with the California Environmental Quality Act (California Public
25

1 Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the
2 Board of Supervisors in File No. 090274 and is incorporated herein by
3 reference.

4 (b) On April 23, 2009, the Planning Commission, in Resolution No.
5 17867 approved and recommended for adoption by the Board this legislation and
6 adopted findings that it is consistent, on balance, with the City's General Plan and eight
7 priority policies of Planning Code Section 101.1 The Board adopts these findings as its own.
8 A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No.
9 090274, and is incorporated by reference herein.

10 (c) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
11 legislation will serve the public necessity, convenience, and welfare for the reasons set forth in
12 Planning Commission Resolution No. 17867, and incorporates such reasons by
13 reference herein.

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

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

17 The Union Street Commercial District is located in northern San Francisco between the
18 Marina and Pacific Heights neighborhoods. The district lies along Union Street between Van
19 Ness Avenue and Steiner, including an arm extending north on Fillmore Street to Lombard.
20 The shopping area provides limited convenience goods for the residents of sections of the
21 Cow Hollow, Golden Gate Valley, and Pacific Heights neighborhoods immediately
22 surrounding the street. Important aspects of Union Street's business activity are eating and
23 drinking establishments and specialty shops whose clientele comes from a wide trade area.
24 There are also a significant number of professional, realty, and business offices. Many
25

1 restaurants and bars are open into the evening hours, and on weekends the street's clothing,
2 antique stores and galleries do a vigorous business.

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

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

17 Section 4. The San Francisco Planning Code is hereby amended by amending Section
18 725.44 of the Union Street Neighborhood Commercial District Zoning Control Table to read
19 as follows:

20 **SEC. 725 UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**
21 **CONTROL TABLE**

			UNION STREET		
			CONTROLS BY STORY		
No.	A. Zoning Category	§ References	1 st	2 nd	3 rd +

725.44	Small Self-Service Restaurant	§790.91	<u>C#</u>		
725.69A	Self-Service Specialty Food	§ 790.93	<u>C#</u>		

Section 5. The San Francisco Planning Code is hereby amended by amending the "Specific Provisions for the Union Street Neighborhood Commercial District" section of the Union Street Neighborhood Commercial District Zoning Control Table to read as follows:

SPECIFIC PROVISIONS FOR THE UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
§725.42	§790.92	<p>UNION STREET FULL-SERVICE RESTAURANTS</p> <p>Boundaries: Applicable to the Union Street Neighborhood Commercial District</p> <p>Applicability: The following controls apply to new uses as well to significant alterations, modifications, and intensifications of existing uses pursuant to §178(c) of the Planning Code.</p> <p>Controls: The Planning Commission may approve a full-service restaurant providing on-site beer and/or wine sales (with ABC license 40, 41 or 60) if, in addition to meeting the criteria set forth in Section 303, the use (1) is located on the ground floor, and (2) the Planning Commission finds that an additional full-service restaurant would not result in a net total of</p>

		<p>more than 32 full-service restaurants in the Union Street Neighborhood <u>Commercial District</u>. The Planning Department shall apply Article 7 zoning controls for Union Street Full-Service Restaurants to conditional use authorizations required by Planning Code § 178, including but not limited to significant alterations, modifications, and intensifications of use.</p>
<p><u>725.44 and</u> <u>725.69A</u></p>	<p><u>790.91</u> <u>790.93</u></p>	<p><u>SMALL SELF-SERVICE RESTAURANTS AND SELF-SERVICE SPECIALTY FOOD USES</u></p> <p><u>Boundaries: Applicable to the Union Street Neighborhood Commercial District</u></p> <p><u>Controls: The Planning Commission may approve a Small Self-Service Restaurants or Self-Service Specialty Food use if, in addition to meeting the criteria set forth in Section 303, the Planning Commission finds that an additional such use would not result in a net total of more than 12 combined Small Self-Service Restaurants and Self-Service Specialty Food uses in the Union Street Neighborhood Commercial District.</u></p>

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

By: 
Andrew W. Garth
Deputy City Attorney

Supervisor Alioto-Pier
BOARD OF SUPERVISORS



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 090274

Date Passed:

Ordinance amending Planning Code Section 725.1, Section 725.44, and Section 725.69A of the Union Street Neighborhood Commercial District Zoning Control Table to provide for a limited number of new Small Self-Service Restaurants and Self-Service Specialty Food uses subject to conditional use authorization by the Planning Commission, making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

June 2, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

June 9, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 090274

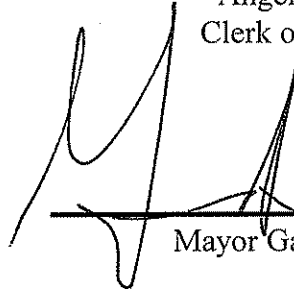
I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on June 9, 2009 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board

6/19/09

Date Approved



Mayor Gavin Newsom