

LEGISLATIVE DIGEST

[Planning Code - Upper Market Street Neighborhood Commercial Transit District; Second Floor Bars]

Ordinance amending the Planning Code to allow an existing bar on the ground floor in the Upper Market Neighborhood Commercial Transit District to expand to the second floor under specified circumstances with a Conditional Use authorization; affirming the Planning Department’s determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

Section 733 establishes the Upper Market Street Neighborhood Commercial Transit District. A Bar use is a Conditional Use on the ground floor and is not permitted on the second story and above.

Amendments to Current Law

The Zoning Control Table for Section 733 is amended to permit an existing Bar on the ground floor operating under a Conditional Use authorization to expand to the second floor if: (1) the space to be converted has not been in Residential use within the previous five years, (2) an internal staircase connecting the ground floor Bar use and the upper floor already exists, and (3) there will be no expansion of the building envelope.

Background Information

The purpose of the proposed amendment is to encourage a dynamic commercial corridor with both daytime and nighttime activities by giving existing Bar uses the option of expanding into upstairs space so long as that space is not residential in nature.