

REVISED LEGISLATIVE DIGEST

(Substituted, 1/9/2018)

[Planning Code - Restaurant and Bar Uses in Jackson Square, Broadway and North Beach, and Pacific Avenue Office Uses]

Ordinance amending the Planning Code to regulate restaurant and bar uses in the Jackson Square Special Use District, Broadway Neighborhood Commercial District, North Beach Neighborhood Commercial District, and North Beach Special Use District; amending the Jackson Square Special Use District to require a conditional use permit for Office Uses, Business Services, and Institutional Uses fronting on Pacific Avenue; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of public necessity, convenience and welfare under Planning Code, Section 302; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

Conditionally permitted Restaurant uses in the North Beach Neighborhood Commercial District would be deemed discontinued if the period of non-use is 3 years.

Office Uses, Business Services and Institutional uses fronting on Pacific Avenue within the Jackson Square Special Use District do not require conditional use authorization.

Restaurants, Limited Restaurants and Bars are generally permitted uses in the Jackson Square Special Use District.

Restaurants, Limited Restaurants and Bars are conditionally permitted uses in the North Beach Special Use District and a Bar may occupy a space that is currently or last legally occupied by a Bar; a Restaurant may occupy a space that is currently or was last legally occupied by a Restaurant or Bar; and a Limited Restaurant may occupy a space that is currently or was last legally occupied by a Limited Restaurant, Restaurant or Bar. No other use is allowed to convert to a Limited Restaurant, Restaurant or Bar.

In the Broadway Neighborhood Commercial District and North Beach Neighborhood Commercial District, a Restaurant Use may add ABC license types 47, 49 or 75 as a Conditional Use on the ground level if the Planning Commission finds that the restaurant is operating as a Bona Fide Eating Place.

Amendments to Current Law

This legislation would provide that conditionally permitted Restaurant uses in the North Beach Neighborhood Commercial District would be deemed discontinued if the period of non-use is 18 months.

Office Uses, Business Services and Institutional uses fronting on Pacific Avenue within the Jackson Square Special Use District would require conditional use authorization.

This legislation would restrict Restaurants, Limited Restaurants and Bars in the Jackson Square Special Use District, as follows:

Restaurant and Bar uses would be permitted as a Conditional Use on the First Story if the Zoning Administrator determines that the Restaurant, Limited Restaurant, or Bar would occupy a space that is currently or was last legally occupied by a Restaurant, Limited Restaurant or Bar use; provided that the use has not been discontinued or abandoned pursuant to Sections 186.1(d) or 178(d) of this Code and that the proposed new use will not enlarge the space; and provided further that no Conditional Use shall be required if the use remains the same as the prior authorized use, with no enlargement or intensification of use. Specifically:

- (i) A Bar may occupy a space that is currently or last legally occupied by a Bar;
- (ii) A Restaurant may occupy a space that is currently or was last legally occupied by a Restaurant or Bar; and
- (iii) A Limited Restaurant may occupy a space that is currently or was last legally occupied by a Limited Restaurant, Restaurant or Bar.
- (iv) No other use would be allowed to convert to a Limited Restaurant, Restaurant or Bar.

Restaurants, Limited Restaurants and Bars would continue to be conditionally permitted uses in the North Beach Special Use District and would be subject to similar occupancy restrictions as those currently in place. Some minor amendments have been made to clarify the meaning of the controls, and to provide that the proposed new use could not enlarge the space. No Conditional Use would be required if the use remains the same as the prior authorized use, with no enlargement or intensification of use.

In the Broadway Neighborhood Commercial District and the North Beach Neighborhood Commercial District, a Restaurant Use would also be able to add ABC License Type 41 as a Conditional Use on the First Story if the Planning Commission finds that the restaurant is operating as a Bona Fide Eating Place. For the North Beach Neighborhood Commercial District, Planning Code Section 722 would be amended to include ABC License Type 41 to be consistent with Planning Code Section 780.3.