

1 [Planning Code - Reinstating Liquor License Controls and Establishing Conditional Use
2 Requirement for Limited Restaurants - Union Street Neighborhood Commercial District]

3 **Ordinance amending the San Francisco Planning Code Section 725.1 to: 1) reinstate**
4 **controls to prohibit liquor license types 47 and 49 in the Union Street Neighborhood**
5 **Commercial District; and 2) requiring conditional use authorization for Limited**
6 **Restaurants; and making environmental findings and findings of consistency with the**
7 **General Plan.**

8 NOTE: Additions are *single-underline italics Times New Roman*;
9 deletions are *strike-through italics Times New Roman*.
10 Board amendment additions are double-underlined;
11 Board amendment deletions are ~~strikethrough-normal~~.

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

13 Section 1. Findings.

14 (a) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
15 ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in
16 Planning Commission Resolution No. 18695, and incorporates such reasons herein by
17 reference. A copy of said Planning Commission Resolution is on file with the Clerk of the
18 Board of Supervisors in File No. 120773.

19 (b) The Board of Supervisors finds that this ordinance is in conformity with the
20 General Plan, and the Priority Policies of Planning Code Section 101.1 for the reasons set
21 forth in Planning Commission Resolution No. 18695, and hereby incorporates those reasons
22 by reference.

23 (c) 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. 120773 and is incorporated herein by reference.

3 Section 2. The San Francisco Planning Code is hereby amended by amending Section
4 725.1, to read as follows:

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

6 The Union Street Commercial District is located in northern San Francisco between the
7 Marina and Pacific Heights neighborhoods. The district lies along Union Street between Van
8 Ness Avenue and Steiner, including an arm extending north on Fillmore Street to Lombard.
9 The shopping area provides limited convenience goods for the residents of sections of the
10 Cow Hollow, Golden Gate Valley, and Pacific Heights neighborhoods immediately
11 surrounding the street. Important aspects of Union Street's business activity are eating and
12 drinking establishments and specialty shops whose clientele comes from a wide trade area.
13 There are also a significant number of professional, realty, and business offices. Many
14 restaurants and bars as well as the district's two movie theaters are open into the evening
15 hours, and on weekends the street's clothing, antique stores and galleries do a vigorous
16 business.

17 The Union Street District controls are designed to provide sufficient growth
18 opportunities for commercial development that is in keeping with the existing scale and
19 character, promote continuous retail frontage, and protect adjacent residential livability.
20 Small-scale buildings and neighborhood-serving uses are promoted, and rear yards above
21 the ground story and at all residential levels are protected. Most commercial development is
22 permitted at the first two stories of new buildings, while retail service uses are monitored at
23 the third story and above. Controls are necessary to preserve the remaining convenience
24 businesses and to reduce the cumulative impacts which the growth of certain uses have on
25 neighborhood residents. Such controls prohibit additional drinking establishments and limit

1 additional eating establishments, entertainment, and financial service uses. Most automobile
 2 and drive-up uses are prohibited in order to maintain continuous retail frontage and minimize
 3 further traffic congestion.

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

7 **SEC. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

8 **CONTROL TABLE**

			Union Street
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
725.10	Height and Bulk Limit	§§ <u>102.12</u> , <u>105</u> , <u>106</u> , <u>250 - 252</u> , <u>260</u> , <u>261.1</u> , <u>270</u> , <u>271</u>	40-X Height Sculpting on Alleys: § <u>261.1</u>
725.11	Lot Size <i>[Per Development]</i>	§§ <u>121.1</u> , <u>790.56</u>	P, up to 4,999 sq. ft. C 5,000 sq. ft. & above § <u>121.1</u>
725.12	Rear Yard	§§ <u>130</u> , <u>134</u> , <u>136</u>	Required at the second story and above and at all residential levels § <u>134(a)</u> (e)
725.13	Street Frontage	§ <u>145.1</u>	Required

			§ <u>145.1</u>
725.14	Awning	§ <u>790.20</u>	P § <u>136.1(a)</u>
725.15	Canopy	§ <u>790.26</u>	P § <u>136.1(b)</u>
725.16	Marquee	§ <u>790.58</u>	P § <u>136.1(c)</u>
725.17	Street Trees		Required § <u>138.1</u>
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
725.20	Floor Area Ratio	§§ <u>102.9, 102.11, 123</u>	3.0 to 1 § <u>124(a) (b)</u>
725.21	Use Size <i>[Non-Residential]</i>	§ <u>790.130</u>	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above § <u>121.2</u>
725.22	Off-Street Parking, Commercial/Institutional	§§ <u>150, 153 - 157, 159</u> - <u>160, 204.5</u>	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ <u>151, 161(g)</u>
725.23	Off-Street Freight Loading	§§ <u>150, 153 - 155,</u> <u>204.5</u>	Generally, none required if gross floor

			area is less than 10,000 sq. ft. §§ <u>152, 161(b)</u>
725.24	Outdoor Activity Area	§ <u>790.70</u>	P if located in front; C if located elsewhere § <u>145.2(a)</u>
725.25	Drive-Up Facility	§ <u>790.30</u>	
725.26	Walk-Up Facility	§ <u>790.140</u>	P if recessed 3 ft.; C if not recessed § <u>145.2(b)</u>
725.27	Hours of Operation	§ <u>790.48</u>	P 6 a.m. - 2 a.m. C 2 a.m. - 6 a.m.
725.30	General Advertising Sign	§§ <u>262, 602 - 604, 608, 609</u>	
725.31	Business Sign	§§ <u>262, 602 - 604, 608, 609</u>	P § <u>607.1(f)(2)</u>
725.32	Other Signs	§§ <u>262, 602 - 604, 608, 609</u>	P § <u>607.1(c) (d) (g)</u>

No.	Zoning Category	§ References	Union Street		
			Controls by Story		
		§ <u>790.118</u>			

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725.38	Residential Conversion	\$ <u>790.84</u>	P	C	C
725.39	Residential Demolition	\$ <u>790.86</u>	P	C	C
Retail Sales and Services					
725.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	\$ <u>790.102</u>	P	P	
725.41	Bar	\$ <u>790.22</u>			
725.43	Limited-Restaurant	\$ <u>790.90</u>	<u>PC#</u>		
725.44	Restaurant	\$ <u>790.91</u>	<u>C#</u>		
725.45	Liquor Store	\$ <u>790.55</u>	C		
725.46	Movie Theater	\$ <u>790.64</u>	P		
725.47	Adult Entertainment	\$ <u>790.36</u>			
725.48	Other Entertainment	\$ <u>790.38</u>	C		

1	725.49	Financial Service	§ <u>790.110</u>	C	C	
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3	725.50	Limited Financial	§ <u>790.112</u>			
4		Service		P		
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6	725.51	Medical Service	§ <u>790.114</u>			
7				P	P	C
8	725.52	Personal Service	§ <u>790.116</u>			
9				P	P	C
10	725.53	Business or	§ <u>790.108</u>			
11		Professional Service		P	P	C
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13	725.54	Massage	§ <u>790.60,</u>			
14		Establishment	§ <u>1900</u>			
15			Health Code			
16	725.55	Tourist Hotel	§ <u>790.46</u>			
17				C	C	C
18	725.56	Automobile Parking	§§ <u>156, 160, 790.8</u>			
19				C	C	C
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21	725.57	Automotive Gas	§ <u>790.14</u>			
22		Station				
23	725.58	Automotive Service	§ <u>790.17</u>			
24		Station				
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1	725.59	Automotive Repair	§ <u>790.15</u>			
2	725.60	Automotive Wash	§ <u>790.18</u>			
3	725.61	Automobile Sale or	§ <u>790.12</u>			
4		Rental				
5	725.62	Animal Hospital	§ <u>790.6</u>			
6				C		
7	725.63	Ambulance Service	§ <u>790.2</u>			
8	725.64	Mortuary	§ <u>790.62</u>			
9	725.65	Trade Shop	§ <u>790.124</u>			
10				P	C	
11	725.66	Storage	§ <u>790.117</u>			
12	725.68	Fringe Financial	§ <u>790.111</u>			
13		Service				
14	725.69	Tobacco	§ <u>790.123</u>			
15		Paraphernalia		C		
16		Establishments				
17	725.69B	Amusement Game	§ <u>790.04</u>			
18		Arcade (Mechanical				
19		Amusement Devices)				
20	725.69C	Neighborhood	§ <u>102.35(a)</u>			
21		Agriculture		P	P	P

1	725.69D	Large-Scale Urban Agriculture	§ <u>102.35(b)</u>	C	C	C
2	Institutions and Non-Retail Sales and Services					
3	725.70	Administrative Service	§ <u>790.106</u>			
4	725.80	Hospital or Medical Center	§ <u>790.44</u>			
5	725.81	Other Institutions, Large	§ <u>790.50</u>	P	C	C
6	725.82	Other Institutions, Small	§ <u>790.51</u>	P	P	P
7	725.83	Public Use	§ <u>790.80</u>	C	C	C
8	725.84	Medical Cannabis Dispensary	§ <u>790.141</u>	P		
9	RESIDENTIAL STANDARDS AND USES					
10	725.90	Residential Use	§ <u>790.88</u>	P	P	P
11	725.91	Residential Density, Dwelling Units	§§ <u>207, 207.1,</u> <u>790.88(a)</u>	Generally, 1 unit per 600 sq. ft. lot area § <u>207.4</u>		
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725.92	Residential Density, Group Housing	§§ <u>207.1, 790.88(b)</u>	Generally, 1 bedroom per 210 sq. ft. lot area § <u>208</u>
725.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ <u>135, 136</u>	Generally, either 80 sq. ft if private, or 100 sq. ft. if common § <u>135(d)</u>
725.94	Off-Street Parking, Residential	§§ <u>150, 153 - 157, 159</u> - <u>160, 204.5</u>	Generally, 1 space for each dwelling unit §§ <u>151, 161(a) (g)</u>
725.95	Community Residential Parking	§ <u>790.10</u>	

SPECIFIC PROVISIONS FOR THE UNION STREET NEIGHBORHOOD

COMMERCIAL DISTRICT

Section	Other Code Section	Zoning Controls
§ 725.44	§ <u>790.91</u>	UNION STREET RESTAURANTS Boundaries: Applicable to the Union Street

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		<p>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 <i>R</i>restaurant if, in addition to meeting the criteria set forth in Section 303, (1) the use (<i>H</i>) is located on the ground floor, and (2) the Planning Commission finds that an additional <i>R</i>restaurant would not result in a net total of more than 44 restaurants in the Union Street Neighborhood Commercial District. The Planning Department shall apply <u>Article 7</u> zoning controls for Union Street Full-Service <i>R</i>restaurants to conditional use authorizations required by Planning Code § 178, including but not limited to significant alterations, modifications, and intensifications of use. <u>No new alcoholic beverage license type 47 or 49 shall be permitted in the Union Street NCD. Transfer of an existing license type 47 or 49 from an existing Restaurant or Limited</u></p>
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		<p>Restaurant located within the Union Street NCD to another Restaurant or Limited Restaurant, new or existing, located within the Union Street NCD is permitted with Conditional Use authorization, consistent with the requirements of Planning Code Section 303.</p>
§ 725.68	§ <u>249.35</u>	<p>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</p> <p>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Union Street Neighborhood Commercial District.</p> <p>Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section <u>249.35</u>. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection <u>249.35(c)(3)</u>.</p>

Section 3. Effective Date. This ordinance shall become effective 30 days from the date of passage.

Section 4. This section is uncodified. In enacting this Ordinance, the Board intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,

1 punctuation, charts, diagrams, or any other constituent part of the Planning Code that are
2 explicitly shown in this legislation as additions, deletions, Board amendment additions, and
3 Board amendment deletions in accordance with the "Note" that appears under the official
4 title of the legislation.

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

7
8 By:


KATE HERRMANN STACY
Deputy City Attorney



City and County of San Francisco
Tails
Ordinance

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

File Number: 120773

Date Passed: October 02, 2012

Ordinance amending the San Francisco Planning Code Section 725.1 to: 1) reinstate controls to prohibit liquor license types 47 and 49 in the Union Street Neighborhood Commercial District; and 2) requiring conditional use authorization for Limited Restaurants; and making environmental findings and findings of consistency with the General Plan.

September 17, 2012 Land Use and Economic Development Committee - AMENDED

September 17, 2012 Land Use and Economic Development Committee - RECOMMENDED AS AMENDED

September 25, 2012 Board of Supervisors - PASSED, ON FIRST READING

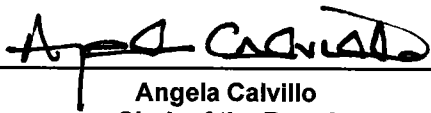
Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

October 02, 2012 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Kim, Mar, Olague and Wiener
Excused: 1 - Farrell

File No. 120773

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 10/2/2012 by the Board of Supervisors of the City and County of San Francisco.


Angela Calvillo
Clerk of the Board


Mayor


Date Approved