

File No. 110592

Committee Item No. 7

Board Item No. _____

12

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date July 25, 2011

Board of Supervisors Meeting

Date 8/2/11

Cmte Board

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OTHER (Use back side if additional space is needed)

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Environmental Review Determination, dtd 7/13/11</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Planning Commission Resolution No. 10409</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Small Business Commission Recommendation, dtd 7/15/11</u> |
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Completed by: Alisa Somera Date July 22, 2011
Completed by: Alisa Somera Date July 26, 2011

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

1 [Planning Code - Inner Clement, Outer Clement, and Geary Neighborhood Commercial
2 Controls]

3 Ordinance amending Sections 263.20, 712.1, 716.1, and 781.4 of the San Francisco
4 Planning Code to 1) allow one additional eating and drinking uses as principally
5 permitted uses in the Inner Clement and Outer Clement Neighborhood Commercial
6 Districts if the total street frontage dedicated to such uses does not exceed 30 percent
7 and allow any additional eating and drinking use in that district as conditionally
8 permitted uses if the total street frontage dedicated to such uses exceeds 30 percent;
9 2) allow eating and drinking uses in the Outer Clement Neighborhood Commercial
10 District with a conditional use permit; 3) remove the prohibition on large fast-food
11 restaurants and prohibit formula retail pet supply stores and formula retail eating and
12 drinking uses establishments in the Geary Boulevard Fast-Food Subdistrict; 34) make
13 video stores a principally permitted use on the ground floor in the NC-3 and the Inner
14 Clement and Outer Clement Neighborhood Commercial Districts; 4) permit a height
15 increase of five feet to permit tall ground floor ceiling heights in the 40-X and 50-X
16 Height and Bulk Districts in the NC-3 Zoning District along Geary Boulevard from Scott
17 Street to 28th Avenue; and 5) making environmental findings, Planning Code Section
18 302 findings, and findings of consistency with the General Plan and the Priority
19 Policies of Planning Code Section 101.1.

20 NOTE: Additions are *single-underline italics Times New Roman*;
21 deletions are *strike-through italics Times New Roman*;
22 Board amendment additions are double-underlined;
23 Board amendment deletions are ~~strikethrough normal~~.

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

25 Section. 1. General Findings.

1 (a) The Planning Department has determined that the actions contemplated in this
2 ordinance comply with the California Environmental Quality Act (California Public Resources
3 Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of
4 Supervisors in File No. 110592 and is incorporated herein by reference.

5 (b) Pursuant to Planning Code Section 302, this Board finds that these Planning Code
6 amendments will serve the public necessity, convenience, and welfare for the reasons set
7 forth in Planning Commission Resolution No. 18409 and the Board incorporates such reasons
8 herein by reference. A copy of Planning Commission Resolution No. 18409 is on file with the
9 Board of Supervisors in File No. 110592.

10 (c) This Board finds that these Planning Code amendments are consistent with the
11 General Plan and with the Priority Policies of Planning Code Section 101.1 for the reasons set
12 forth in Planning Commission Resolution No. 18409, and the Board hereby incorporates such
13 reasons herein by reference.

14 Section 2. **Specific Findings.**

15 (a) As the main commercial corridors of the Richmond District, Geary Boulevard
16 and Clement Street support a diverse and vibrant neighborhood with businesses that provide
17 a mix and variety of goods and services to the Richmond neighborhood and City residents,
18 including many small, locally owned businesses.

19 (b) Small, locally owned businesses provide a majority of jobs to San Francisco
20 residents.

21 (c) Fostering, promoting and retaining small businesses is a policy priority of the
22 City of San Francisco, as evidenced by the approval in November 1986 by the voters of
23 Proposition M, now codified as Planning Code Section 101.1 and known as the City's Priority
24 Policies, which call, inter alia, for the preservation of existing neighborhood serving retail.
25

1 (d) The approval, in November 2003 by the voters of Proposition D, which created a
2 Chartered Small Business Commission (SBC) to oversee the Office of Small Business (OSB),
3 also demonstrates the City's interest in preserving and promoting small, neighborhood serving
4 businesses.

5 (e) There are four small, locally owned neighborhood serving pet supply stores
6 within easy walking distance of the area of Geary Boulevard between 14th Avenue and 28th
7 Avenue, constituting a local neighborhood serving industry.

8 (f) There are many well established, locally owned neighborhood serving eating
9 and drinking establishments which help define the unique character of the Richmond District.

10 (g) The proliferation of formula retail uses, including eating and drinking uses and
11 pet supply stores, aggravates parking and traffic congestion in this District by promoting car
12 trips from outside the District to destination retail locations.

13 ~~(h) An increase in the height limits along Geary Boulevard would be consistent with~~
14 ~~development patterns in other commercial corridors of the City, and would create incentives to~~
15 ~~use space more efficiently, particularly commercial space on the ground floor.~~

16 Section 3. The San Francisco Planning Code is hereby amended by amending Section
17 263.20, to read as follows:

18 **SEC. 263.20. SPECIAL HEIGHT EXCEPTION: ADDITIONAL FIVE FEET HEIGHT FOR**
19 **GROUND FLOOR USES IN NCT 40-X AND 50-X HEIGHT AND BULK DISTRICTS, IN NCT**
20 **DISTRICTS NC-2 AND NC-3 DESIGNATED PARCELS FRONTING MISSION STREET,**
21 **FROM SILVER AVENUE TO THE DALY CITY BORDER, AND IN SPECIFIED NC-1**
22 **DESIGNATED PARCELS AND IN SPECIFIED NC DISTRICTS.**

23 (a) **Intent.** In order to encourage generous ground floor ceiling heights for commercial
24 and other active uses, encourage additional light and air into ground floor spaces, allow for
25 walk-up ground floor residential uses to be raised slightly from sidewalk level for privacy and

1 usability of front stoops; and create better building frontage on the public street, up to an
2 additional 5' of height is allowed along major streets in NCT districts, or in specific NC-3, NC-
3 2, or NC-1 districts listed below, for buildings that feature either higher ground floor ceilings for
4 non-residential uses or ground floor residential units (that have direct walk-up access from the
5 sidewalk) raised up from sidewalk level.

6 (b) **Applicability.** The special height exception described in this section shall only
7 apply to projects that meet all of the following criteria:

8 (1) project is located in a 40-X or 50-X Height and Bulk District as designated on the
9 Zoning Map;

10 (2) project is located:

11 (A) in an NCT district as designated on the Zoning Map;

12 (B) in the Upper Market Street NCD;

13 (C) ~~in an~~ a NC-2 or NC-3 designated parcel fronting Mission Street, from Silver
14 Avenue to the Daly City border; ~~or~~

15 (D) ~~on a NC-3 designated parcel fronting on Geary Boulevard from Scott Street to 28th~~
16 Avenue; ~~or~~

17 (E) on a NC-1 designated parcel ~~with a commercial use on the ground floor~~ within the
18 boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to
19 Farallones Street to San Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph
20 Street to Monticello Street and back to Sargent Street.

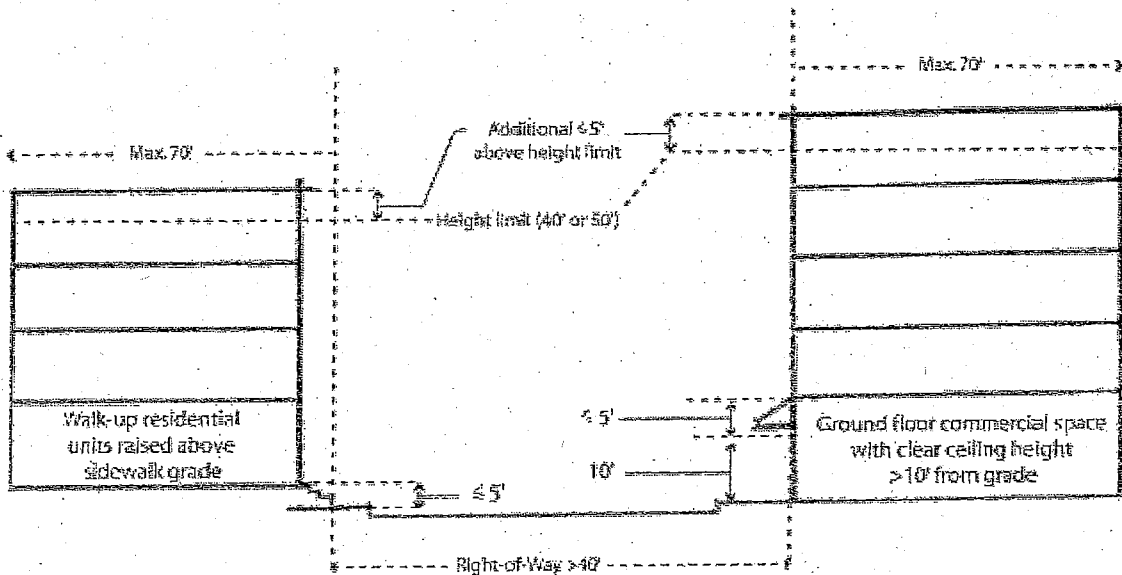
21 (3) project features ground floor commercial space or other active use as defined by
22 Section 145.1(b)(2) with clear ceiling heights in excess of ten feet from sidewalk grade, or in
23 the case of residential uses, such walk-up residential units are raised up from sidewalk level;

24 (4) said ground floor commercial space, active use, or walk-up residential use is
25 primarily oriented along a right-of-way wider than 40 feet;

1 (5) said ground floor commercial space or active use occupies at least 50% of the
2 project's ground floor area; and

3 (6) except for projects located in NCT districts, the project sponsor has conclusively
4 demonstrated that the additional 5' increment allowed through Section 263.20 would not add
5 new shadow to any public open spaces.

6 (c) One additional foot of height, up to a total of five feet, shall be permitted above the
7 designated height limit for each additional foot of ground floor clear ceiling height in excess of
8 10 feet from sidewalk grade, or in the case of residential units, for each foot the unit is raised
9 above sidewalk grade.



21 Section 4. The San Francisco Planning Code is hereby amended by amending Section
22 712, to read as follows:

23 **SEC. 712. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-3**
24 **ZONING CONTROL TABLE**

			NC-3
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
712.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250 – 252, 260, 263.20, 270, 271	Generally, 40-X See Zoning Map; additional 5 feet for NC-3 parcels with active uses along Mission Street, from Silver Avenue to the Daly City Border, and on Geary Boulevard from Scott Street to 28th Avenue; see § 263.20.
712.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above § 121.1
712.12	Rear Yard	§§ 130, 134, 136	Required at residential levels only § 134(a)(e)
712.13	Street Frontage		Required § 145.1
712.14	Awning	§ 790.20	P § 136.1 (a)

1	712.15	Canopy	§ 790.26	P
2				§ 136.1 (b)
3	712.16	Marquee	§ 790.58	P
4				§ 136.1 (c)
5	712.17	Street Trees		Required
6				§ 143
7	COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
8	712.20	Floor Area Ratio	§§ 102.9, 102.11, 123	3.6 to 1 § 124(a) (b)
9	712.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 5,999 sq. ft.; C 6,000 sq. ft. & above § 121.2
10	712.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153 - 157, 159, 160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
11	712.23	Off-Street Freight Loading	§§ 150, 153 – 155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
12	712.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere

			§ 145.2(a)
712.25	Drive-Up Facility	§ 790.30	#
712.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2 (b)
712.27	Hours of Operation	§ 790.48	No Limit
712.30	General Advertising Sign	§§ 262, 602 – 604, 608, 609	P # § 607.1(e)2
712.31	Business Sign	§§ 262, 602 – 604, 608, 609	P # § 607.1(f)3
712.32	Other Signs	§§ 262, 602 – 604, 608, 609	P # § 607.1(c) (d) (g)

No.	Zoning Category	§ References	NC-3		
			Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
712.38	Residential Conversion	§ 790.84	P	C	C #
712.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					

1	712.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P #	P #	P #
2						
3						
4	712.41	Bar	§ 790.22	P#	P	
5						
6	712.42	Full-Service Restaurant	§ 790.92	P#	P	
7						
8	712.43	Large Fast Food Restaurant	§ 790.90	C #	C #	
9						
10	712.44	Small Self-Service Restaurant	§ 790.91	P #	P #	
11						
12						
13	712.45	Liquor Store	§ 790.55			
14	712.46	Movie Theater	§ 790.64	P	P	
15						
16	712.47	Adult Entertainment	§ 790.36	C	C	
17	712.48	Other Entertainment	§ 790.38	P	P	
18	712.49	Financial Service	§ 790.110	P	P	
19	712.50	Limited Financial Service	§ 790.112	P	P	
20						
21	712.51	Medical Service	§ 790.114	P	P	P
22						
23	712.52	Personal Service	§ 790.116	P	P	P
24	712.53	Business or	§ 790.108	P	P	P
25						

	Professional Service				
712.54	Massage Establishment	§ 790.60, § 1900 Health Code	C	C	
712.55	Tourist Hotel	§ 790.46	C	C	C
712.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
712.57	Automobile Gas Station	§ 790.14	C		
712.58	Automotive Service Station	§ 790.17	C		
712.59	Automotive Repair	§ 790.15	C	C	
712.60	Automotive Wash	§ 790.18	C		
712.61	Automobile Sale or Rental	§ 790.12	C		
712.62	Animal Hospital	§ 790.6	C	C	
712.63	Ambulance Service	§ 790.2	C		
712.64	Mortuary	§ 790.62	C	C	C
712.65	Trade Shop	§ 790.124	P	C	C
712.66	Storage	§ 790.117	C	C	C

1	712.67	Video Store	§ 790.135	<u>PC</u>	C	C
2	712.68	Fringe Financial	§ 790.111	P#		
3		Service				
4	712.69	Tobacco	§ 790.123	C		
5		Paraphernalia				
6		Establishments				
7	712.69A	Self-Service	§ 790.93	P#	P#	
8		Specialty Food				
9	712.69B	Amusement Game	§ 790.04	C		
10		Arcade (Mechanical				
11		Amusement				
12		Devices)				
13	712.69C	Neighborhood	§ 102.35 (a)	P	P	P
14		Agriculture				
15	712.69D	Large-Scale Urban	§ 102.35(b)	C	C	C
16		Agriculture				
17	Institutions and Non-Retail Sales and Services					
18	712.70	Administrative	§ 790.106	C	C	C
19		Service				
20	712.80	Hospital or Medical	§ 790.44	C	C	C
21		Center				

1	712.81	Other Institutions, Large	§ 790.50	P	P	P
2						
3	712.82	Other Institutions, Small	§ 790.51	P	P	P
4						
5	712.83	Public Use	§ 790.80	C	C	C
6						
7	712.84	Medical Cannabis Dispensary	§ 790.141	P #		
8						
9	RESIDENTIAL STANDARDS AND USES					
10						
11	712.90	Residential Use	§ 790.88	P	P	P
12	712.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area § 207.4		
13						
14	712.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208		
15						
16	712.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)		
17						
18	712.94	Off-Street Parking, Residential	§§ 150, 153 - 157, 159 - 160, 204.5	Generally, 1 space for each dwelling unit §§ 151. 161(a) (g)		
19						
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712.95	Community Residential Parking	§ 790.10	C	C	C
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SPECIFIC PROVISIONS FOR NC-3 DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
§ 712.25 § 712.40	§ 249.14	<p align="center">THIRD STREET SPECIAL USE DISTRICT</p> <p>Boundaries: Applicable only to the portion of the Third Street SUD as shown on Sectional Map 10 SU zoned NC-3</p> <p>Controls: Off-sale retail liquor sales as defined in Section 249.14(b)(1)(A) are NP; drive-up facilities for large fast-food restaurants, small self-service restaurants and self-service specialty food are C</p>
§ 712.10 § 207.4 § 712.22 § 712.12	§ 790.4	<p align="center">MISSION-HARRINGTON SPECIAL USE DISTRICT</p> <p>Boundaries: Applicable only to the Mission-Harrington SUD, as shown on Sectional Map SU11.</p> <p>Controls: Height 56-X; one unit allowed for every 400 square feet of lot area; no parking requirements; no rear setback requirements.</p>
§ 712.30 § 712.31 § 712.32	§ 608.10	<p align="center">UPPER MARKET STREET SPECIAL SIGN DISTRICT</p> <p>Boundaries: Applicable only for the portion of the Market Street NC-3 District from Octavia to Church Streets as mapped on Sectional Map SSD</p>

		Controls: Special restrictions and limitations for signs
§ 712.38	§ 790.84	<p>Boundaries: Applicable to NC-3 Districts</p> <p>Controls: A residential use may be converted to an Other Institution, Large, use, as defined by Section 790.50 of this Code, as a conditional use on the third story and above if in addition to the criteria set forth in Section 303, the Commission finds that:</p> <p>(1) The structure in which the residential use is to be converted has been found eligible for listing on the National Register of Historic Places;</p> <p>(2) The proposed Other Institution, Large, use is to be operated by a nonprofit public benefit corporation; and</p> <p>(3) No legally residing residential tenants will be displaced.</p>
§ 712.43	§ 781.4	<p>GEARY BOULEVARD FAST-FOOD <u>FORMULA RETAIL PET SUPPLY STORE AND FORMULA RETAIL EATING AND DRINKING</u> SUBDISTRICT</p> <p>Boundaries: Applicable only for the portion of the Geary Boulevard NC-3 District between 14th and 28th Avenues as mapped on Sectional Maps 3 SU and 4 SU</p> <p>Controls: <u>Formula Retail pet supply stores and formula retail eating and drinking uses</u> <i>Large fast food restaurants</i> are NP</p>
§ 712.43 § 712.44 § 712.69A	§ 781.5	<p>MISSION STREET FAST-FOOD SUBDISTRICT</p> <p>Boundaries: Applicable only for the portion of the Mission Street NC-3 District between 15th Avenue <i>Street</i> and Randall Street as</p>

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		<p>mapped on Sectional Map 7 SU</p> <p>Controls: Small self-service restaurants and self-service specialty food are C; large fast-food restaurants are NP</p>
§ 712.45	§ 781.10	<p>17TH AND RHODE ISLAND STREET GROCERY STORE SPECIAL USE SUBDISTRICT.</p> <p>Boundaries: Applicable only for the block bound by 17th, Rhode Island, Mariposa and Kansas Streets as mapped on Sectional Map 8 SU</p> <p>Controls: One liquor store on the first or second story is C if operated as integral element of a grocery store of not less than 30,000 gross square feet. Nighttime Entertainment uses are not permitted.</p>
§ 712.68	§ 249.35	<p>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</p> <p>Boundaries: The FFSRUD and its ¼ mile buffer includes, but is not limited to, properties within: the Mission Alcoholic Beverage Special Use District; the Haight Street Alcohol Restricted Use District; the Third Street Alcohol Restricted Use District; the Divisadero Street Alcohol Restricted Use District; the North of Market Residential Special Use District and the Assessor's Blocks and Lots fronting on both sides of Mission Street from Silver Avenue to the Daly City borders as set forth in Special Use District Maps SU11 and SU12; and includes Moderate-Scale Neighborhood Commercial Districts within its boundaries.</p>

		<p>Controls: Within the FFSRUD and its ¼ mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its ¼ mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</p>
<p>§ 712.84 § 790.141</p>	<p>Health Code § 3308</p>	<p>Medical cannabis dispensaries in NC-3 District may only operate between the hours of 8 a.m. and 10 p.m.</p>

Section 5. The San Francisco Planning Code is hereby amended by amending Section 716.1, to read as follows:

SEC. 716.1. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

The Inner Clement Street Commercial District is located on Clement Street between Arguello Boulevard and Funston Avenue in the eastern portion of the Richmond District of northwest San Francisco. The district provides a wide selection of convenience goods and services for the residents of the Inner Richmond neighborhood. Inner Clement Street has one of the greatest concentrations of restaurants of any commercial street in San Francisco, drawing customers from throughout the City and region. There are also a significant number of professional, realty, and business offices as well as financial institutions. The pleasant pedestrian character of the district is derived directly from the intensely active retail frontage on Clement Street.

The Inner Clement Street District controls are designed to promote development that is consistent with its existing land use patterns and to maintain a harmony of uses that supports the district's vitality. The building standards allow small-scale buildings and uses, protecting rear yards above the ground story and at residential levels. In new development, most commercial uses are permitted at the first two stories, although certain limitations apply to

uses at the second story. Special controls are necessary to preserve the equilibrium of neighborhood-serving convenience and comparison shopping businesses and protect adjacent residential livability. These controls prohibit additional financial service and limit additional eating and drinking establishments, late-night commercial uses and ground-story entertainment uses. In order to maintain the street's active retail frontage, controls also prohibit most new automobile and drive-up uses.

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

SEC. 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

No.	Zoning Category	§ References	Inner Clement Street Controls
BUILDING STANDARDS			
716.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250 – 252, 260, 270, 271	40-X
716.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
716.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all

			residential levels § 134(a) (e)
716.13	Street Frontage		Required § 145.1
716.14	Awning	§ 790.20	P § 136.1(a)
716.15	Canopy	§ 790.26	P § 136.1(b)
716.16	Marquee	§ 790.58	P § 136.1(c)
716.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
716.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124(a) (b)
716.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above § 121.2
716.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153 - 157, 159 - 160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)

1	716.23	Off-Street Freight Loading	§§ 150, 153 - 155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
2	716.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2 (a)
3	716.25	Drive-Up Facility	§ 790.30	
4	716.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2 (b)
5	716.27	Hours of Operation	§ 790.48	P 6 a.m. - 2 a.m.; C 2 a.m. - 6 a.m.
6	716.30	General Advertising Sign	§§ 262, 602 - 604, 608, 609	
7	716.31	Business Sign	§§ 262, 602 - 604, 608, 608	P § 607.1(f)2
8	716.32	Other Signs	§§ 262, 602 - 604, 608, 609	P § 607.1(c) (d) (g)
9	No.	Zoning Category	§	Inner Clement Street
10			References	
11				Controls by Story

		§ 790.118	1st	2nd	3rd+
716.38	Residential Conversion	§ 790.84	P		
716.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
716.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P	C	
716.41	Bar	§ 790.22	C#		
716.42	Full-Service Restaurant	§ 790.92	C#		
716.43	Large Fast Food Restaurant	§ 790.90	C#		
716.44	Small Self-Service Restaurant	§ 790.91	C#		
716.45	Liquor Store	§ 790.55	C		
716.46	Movie Theater	§ 790.64	P		
716.47	Adult Entertainment	§ 790.36			
716.48	Other Entertainment	§ 790.38	C		
716.49	Financial Service	§ 790.110			
716.50	Limited Financial Service	§ 790.112	C		
716.51	Medical Service	§ 790.114	P	C	

1	716.52	Personal Service	§ 790.116	P	C	
2	716.53	Business or Professional	§ 790.108	P	C	
3		Service				
4	716.54	Massage Establishment	§ 790.60,	C		
5			§ 1900			
6			Health Code			
7	716.55	Tourist Hotel	§ 790.46	C	C	
8	716.56	Automobile Parking	§§ 790.8, 156,	C	C	C
9			160			
10	716.57	Automotive Gas Station	§ 790.14			
11	716.58	Automotive Service	§ 790.17			
12		Station				
13	716.59	Automotive Repair	§ 790.15			
14	716.60	Automotive Wash	§ 790.18			
15	716.61	Automobile Sale or	§ 790.12			
16		Rental				
17	716.62	Animal Hospital	§ 790.6	C		
18	716.63	Ambulance Service	§ 790.2			
19	716.64	Mortuary	§ 790.62			
20	716.65	Trade Shop	§ 790.124	P	C	
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716.66	Storage	§ 790.117			
716.67	Video Store	§ 790.135	<u>PG</u>	C	
716.68	Fringe Financial Service	§ 790.111			
716.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
716.69A	Self-Service Specialty Food	§ 790.93	<u>C</u> #		
716.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
716.69C	Neighborhood Agriculture	§ 102.35 (a)	P	P	P
716.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
Institutions and Non-Retail Sales and Services					
716.70	Administrative Service	§ 790.106			
716.80	Hospital or Medical Center	§ 790.44			
716.81	Other Institutions, Large	§ 790.50	P	C	C
716.82	Other Institutions, Small	§ 790.51	P	P	P
716.83	Public Use	§ 790.80	C	C	C

1	716.84	Medical Cannabis Dispensary	§ 790.141	P		
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RESIDENTIAL STANDARDS AND USES

2	716.90	Residential Use	§ 790.88	P	P	P
3	716.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area § 207.4		
4	716.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208		
5	716.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 80 sq. ft if private, or 100 sq. ft. if common § 135(d)		
6	716.94	Off-Street Parking, Residential	§§ 150, 153 - 157, 159 - 160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
7	716.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR THE INNER CLEMENT STREET

NEIGHBORHOOD COMMERCIAL DISTRICT

8	Article 7	Other	Zoning Controls
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Code Section	Code Section	
§ 716.41	§ 790.22	<p style="text-align: center;">INNER CLEMENT STREET LIQUOR LICENSES FOR FULL-SERVICE RESTAURANTS</p> <p>Boundaries: Applicable to the Inner Clement Street Neighborhood Commercial District</p> <p>Controls: (a) In order to allow certain restaurants to seek an ABC license type 47 so that liquor may be served for drinking on the premises, a bar use, as defined in § 790.22, may be permitted as a conditional use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission finds that:</p> <p>(1) The bar function is operated as an integral element of an establishment which is classified <i>both as: (A) a full service restaurant as defined in § 790.92 and (B) a bona-fide eating place restaurant as defined in § 790.142 781.8(e); and</i></p> <p>(2) The establishment maintains only an ABC license type 47. Other ABC license types, except those that are included within the definition of a <i>full-service restaurant pursuant to § 790.22</i>, are not permitted for those uses subject to this Section.</p> <p>(b) Subsequent to the granting of a conditional use authorization under this Section, the Commission may consider immediate revocation of the previous conditional use authorization should an establishment no longer comply with any of the above criteria for any length of time.</p>

<p>1 § 716.41</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>§ 790.22</p>	<p>INNER CLEMENT STREET LIQUOR LICENSES FOR BARS</p> <p>Boundaries: Applicable to the Inner Clement Street Neighborhood Commercial District</p> <p>Controls: (a) In order to allow wine and/or beer bars to seek an ABC license type 42 so that wine and beer (but not hard spirits) may be served for drinking on the premises, a bar use, as defined in § 790.2, may be permitted as a conditional use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission finds that:</p> <p>(1) The bar function is operated as a wine and beer bar with an ABC license type 42, which may include incidental food services; and</p> <p>(2) The establishment maintains only an ABC license type 42 and/or an ABC license type 20 permitting off-premises sales of wine and beer. Other ABC license types, except those that are included within the definition of a full-service restaurant pursuant to § 790.22, are not permitted for those uses subject to this Section.</p> <p>(b) Subsequent to the granting of a conditional use authorization under this Section, the Commission may consider immediate revocation of the previous conditional use authorization should an establishment no longer comply with any of the above criteria for any length of time.</p>
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<p>1 §716.41 2 <i>and</i> 3 716.42, 4 <u>716.43,</u> 5 <u>716.44, and</u> 6 <u>716.69A</u></p>	<p>§ 790.34 790.92 and 790.22</p>	<p>INNER CLEMENT STREET <u>EATING AND DRINKING</u> <u>USES FULL-SERVICE RESTAURANTS AND BARS</u> Boundaries: Applicable to the Inner Clement Street Neighborhood Commercial District Controls: A <u>One additional full-service eating and drinking use</u> restaurant or a bar may be permitted as a <u>principal use</u> if the total ground floor street frontage of <u>in-the Inner Clement Neighborhood</u> <u>Commercial District,</u> dedicated to eating and drinking uses, as defined in Section 790.34, is less than 30% of the total street frontage of the district. If the total ground level street frontage dedicated to eating and drinking uses exceeds 30%, then <u>Any</u> <u>additional eating and drinking uses food and drink uses may be</u> <u>approved with a conditional use authorization, on the ground level if,</u> <u>in addition to the criteria set forth in Section 303, the Planning</u> <u>Commission has approved no more than a total of three (3) full-service</u> <u>restaurants or bars in accordance with this Section. Should a full-</u> <u>service restaurant or bar permitted under this Section cease operation</u> <u>and complete a lawful change of use to another principally or</u> <u>conditionally permitted use, the Commission may consider a new full-</u> <u>service restaurant or bar in accordance with the terms of this Section</u></p>
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23 Section 6. The San Francisco Planning Code is hereby amended by amending Section
24 717.1, to read as follows:
25

1 **SEC. 717.1. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

2 The Outer Clement Street Neighborhood Commercial District is located on Clement
3 Street between 19th Avenue and 27th Avenue in the western portion of the Richmond District.
4 The shopping area contains small-scale convenience businesses, as well as many
5 restaurants and a movie theater. The district's restaurants serve a neighborhood and
6 Citywide clientele during the evening hours, while convenience shopping uses cater for the
7 most part to daytime neighborhood shoppers. Outer Clement Street contains many mixed-
8 use buildings with some fully commercial and fully residential buildings interspersed between
9 them.

10 The Outer Clement Street District controls are designed to promote development that is
11 in keeping with the district's existing small-scale, mixed-use character. The building
12 standards monitor large-scale development and protect rear yards at all levels. Future
13 commercial growth is directed to the ground story in order to promote more continuous and
14 active retail frontage. Additional eating and drinking establishments are regulated to prevent
15 over-concentration. ~~prohibited~~, while ground-story entertainment and financial service uses
16 are monitored in order to limit the problems of traffic, congestion, noise and late-night activity
17 associated with such uses and to protect existing neighborhood-serving businesses. Other
18 controls restricting late-night activity, hotels, automobile uses, and drive-up facilities are
19 designed to preserve the low-intensity character of the district.

20 Housing development in new buildings is encouraged above the ground story. Existing
21 residential units are protected by prohibitions of upper-story conversions and limitations on
22 demolitions.

23 **SEC. 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

24 **ZONING CONTROL TABLE**

25

			Outer Clement Street
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
717.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250 - 252, 260, 270, 271	40-X
717.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 4,999 sq. ft. C 5,000 sq. ft. & above § 121.1
717.12	Rear Yard	§§ 130, 134, 136	Required at grade level and above § 134(a) (e)
717.13	Street Frontage		Required § 145.1
717.14	Awning	§ 790.20	P § 136.1(a)
717.15	Canopy	§ 790.26	P § 136.1(b)
717.16	Marquee	§ 790.58	P § 136.1 (c)

1	717.17	Street Trees		Required § 143
2	COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
3	717.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124 (a) (b)
4	717.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above § 121.2
5	717.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153 - 157, 159 - 160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
6	717.23	Off-Street Freight Loading	§§ 150, 153- 155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
7	717.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
8	717.25	Drive-Up Facility	§ 790.30	
9	717.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed

			§ 145.2(b)		
717.27	Hours of Operation	§ 790.48	P 6 a.m. - 11 p.m.; C 11 p.m. - 2 a.m.		
717.30	General Advertising Sign	§§ 262, 602 - 604, 608, 609			
717.31	Business Sign	§§ 262, 602 - 604, 608, 609	P § 607.1(f) 2		
717.32	Other Signs	§§ 262, 602 - 604, 608, 609	P § 607.1(c) (d) (g)		
		§	Outer Clement		
No.	Zoning Category	References	Street		
			Controls by Story		
		§790.118	1st	2nd	3rd+
717.38	Residential Conversion	§ 790.84	P		
717.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
717.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P		
717.41	Bar	§ 790.22	<u>C</u>		
			#		

1	717.42	Full-Service Restaurant	§ 790.92	<u>C</u>		
2				#		
3	717.43	Large Fast Food	§ 790.90	<u>C</u>		
4		Restaurant		#		
5	717.44	Small Self-Service	§ 790.91	<u>C</u>		
6		Restaurant		#		
7						
8	717.45	Liquor Store	§ 790.55	C		
9	717.46	Movie Theater	§ 790.64	P		
10						
11	717.47	Adult Entertainment	§ 790.36			
12	717.48	Other Entertainment	§ 790.38	C		
13	717.49	Financial Service	§ 790.110	C		
14	717.50	Limited Financial Service	§ 790.112	C		
15						
16	717.51	Medical Service	§ 790.114	P		
17	717.52	Personal Service	§ 790.116	P		
18	717.53	Business or Professional	§ 790.108	P		
19		Service				
20						
21	717.54	Massage Establishment	§ 790.60,			
22			§ 1900 Health			
23			Code			
24	717.55	Tourist Hotel	§ 790.46			
25						

1	717.56	Automobile Parking	§§ 790.8, 156, 160	C	C	
2						
3	717.57	Automotive Gas Station	§ 790.14			
4						
5	717.58	Automotive Service Station	§ 790.17			
6						
7	717.59	Automotive Repair	§ 790.15			
8						
9	717.60	Automotive Wash	§ 790.18			
10						
11	717.61	Automobile Sale or Rental	§ 790.12			
12						
13	717.62	Animal Hospital	§ 790.6	C		
14						
15	717.63	Ambulance Service	§ 790.2			
16						
17	717.64	Mortuary	§ 790.62			
18						
19	717.65	Trade Shop	§ 790.124	P		
20						
21	717.66	Storage	§ 790.117			
22						
23	717.67	Video Store	§ 790.135	<u>P</u>	C	
24				G		
25	717.68	Fringe Financial Service	§ 790.111			
	717.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
	717.69A	Self-Service Specialty	§ 790.93	<u>C</u>		

	Food		#		
717.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.94			
717.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
717.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
Institutions and Non-Retail Sales and Services					
717.70	Administrative Service	§ 790.106			
717.80	Hospital or Medical Center	§ 790.44			
717.81	Other Institutions, Large	§ 790.50	P	C	C
717.82	Other Institutions, Small	§ 790.51	P	P	P
717.83	Public Use	§ 790.80	C	C	C
717.84	Medical Cannabis Dispensary	§ 790.141	P		
RESIDENTIAL STANDARDS AND USES					
717.90	Residential Use	§ 790.88	P	P	P
717.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88 (a)	Generally, 1 unit per 600 sq. ft. lot area		

			§ 207.4		
717.92	Residential Density, Group Housing	§§ 207.1, 790.88 (b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208		
717.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)		
717.94	Off-Street Parking, Residential	§§ 150, 153 - 157, 159 - 160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
717.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR THE OUTER CLEMENT STREET NEIGHBORHOOD

COMMERCIAL DISTRICT

§§ 717.41, 717.42, 717.43, 717.44, and 717.69A	§ 790.34	<p align="center"><u>OUTER CLEMENT STREET EATING AND DRINKING USES</u></p> <p><u>Boundaries:</u> <i>Applicable to the Outer Clement Street Neighborhood Commercial District</i></p> <p><u>Controls:</u> <i>An eating or drinking use restaurant or a bar may be permitted as a principal use if the total ground floor street frontage of the Outer Clement Neighborhood Commercial District dedicated to</i></p>
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1 eating and drinking uses, as defined in Section 790.34 is less than
2 30% of the total street frontage of the district. If the total ground level
3 street frontage dedicated to eating and drinking uses exceeds 30%,
4 then food and drink uses may be approved with conditional use
5 authorization.
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8
9 Section 7. The San Francisco Planning Code is hereby amended by amending Section
10 781.4, to read as follows:

11 **SEC. 781.4. GEARY BOULEVARD FORMULA RETAIL PET SUPPLY STORE AND FORMULA**
12 **RETAIL EATING AND DRINKING FAST FOOD SUBDISTRICT.**

13 In order to preserve the mix and variety of goods and services provided to the
14 Richmond neighborhood and City residents and prevent further proliferation of formula retail
15 pet supply stores and eating and drinking uses fast food restaurant uses, and prevent further
16 aggravation of parking and traffic congestion in this district, there shall be a Geary Boulevard
17 Formula Retail Pet Supply Store Fast Food and Formula Retail Eating and Drinking Fast Food
18 Subdistrict, generally applicable for the NC-3-zoned portion of Geary Boulevard between 14th
19 and 28th Avenues, as designated on Sectional Maps 3SU and 4SU of the Zoning Map. The
20 following provisions shall apply within such subdistrict:

21 (a) A retail use, as defined in Section 790.102(g) of this Code, that is a pet supply store and
22 also a formula retail use, as defined in Section 703.3(b) of this Code, shall not be permitted in this
23 subdistrict. For purposes of this section, a "pet supply store" shall be defined as a retail use which
24 sells devotes more than 50% of its occupied floor space to pet food, toys, apparatus, and similar
25 pet items for sale. A large fast food restaurant, as defined in Section 790.90 of this Code, shall not be

1 permitted in this subdistrict. An eating and drinking use, as defined in Section 790.34 of this
2 Code, that is also a formula retail use, as defined in Section 703.3(b) of this Code, shall not be
3 permitted in this Subdistrict.

4 (b) The provisions of Sections 180 through 186.1 of this Code shall govern formula
5 retail pet supply stores and eating and drinking uses ~~large fast food restaurants~~ which existed
6 lawfully at the effective date of this Code in this subdistrict.

7 Section 8. Effective Date. This ordinance shall become effective 30 days from the
8 date of passage.

9
10 APPROVED AS TO FORM:
11 DENNIS J. HERRERA, City Attorney

12 By:


13 ANDREA RUIZ-ESQUIDE
14 Deputy City Attorney

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Supervisor Mar
BOARD OF SUPERVISORS

REVISED LEGISLATIVE DIGEST
(Amended in Committee: 7/18/2011)

[Planning Code - Inner Clement, Outer Clement, and Geary Neighborhood Commercial Controls]

Ordinance amending Sections 263.20, 712.1, 716.1, and 781.4 of the San Francisco Planning Code to 1) allow one additional eating and drinking use as principally permitted in the Inner Clement Neighborhood Commercial District and allow any additional eating and drinking use in that district as conditionally permitted; 2) allow eating and drinking uses in the Outer Clement Neighborhood Commercial District with a conditional use permit; 3) remove the prohibition on large fast-food restaurants and prohibit formula retail pet supply stores and formula retail eating and drinking uses in the Geary Boulevard Fast-Food Subdistrict; 4) make video stores a principally permitted use on the ground floor in the NC-3 and the Inner Clement and Outer Clement Neighborhood Commercial Districts; and 5) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Existing Law

The Planning Code regulates land uses within different areas of the City, and sets forth uses that are permitted, conditional, or not permitted within these different areas. The Planning Code establishes a series of commercial districts throughout the City, where commercial activity is encouraged.

Amendments to Current Law

This Ordinance amends the zoning controls for three commercial districts within the City: the Inner Clement and Outer Clement Neighborhood Commercial Districts, and the Geary Boulevard Fast-Food Subdistrict.

The Ordinance amends the zoning controls in these commercial districts by doing the following: (1) It allows for one additional eating and drinking use as principally permitted in the Inner Clement Neighborhood Commercial District, and requires a conditional use permit for any additional eating and drinking uses in that district; (2) It allows eating and drinking uses as conditional uses in the Outer Clement Neighborhood Commercial District; (2) It removes the current prohibition on large fast food restaurants in the Geary Boulevard Fast-Food Subdistrict, and prohibits some formula retail uses (pet supply stores and eating and drinking uses) in that district; and (3) It makes video stores a principally permitted use on the ground floor in the NC-3 and Inner Clement and Outer Clement Neighborhood Commercial Districts.

Background Information

Geary Boulevard and Clement Street are the main commercial corridors of the Richmond District, and they support a diverse and vibrant neighborhood with businesses that provide a mix and variety of goods and services to the Richmond neighborhood and City residents, including many small, locally owned businesses. The purpose of this Ordinance is to amend the zoning controls in these commercial districts to support and promote the economic vibrancy of the area.



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: July 13, 2011
TO: Christina Olague, President of the Planning Commission and
Members of the Planning Commission
Angela Calvillo, Clerk of the Board
Cc: Eric Mar, Supervisor, District 1
FROM: Nannie Turrell, Senior Environmental Planner *Nannie Turrell*
RE: Board File No. 110592/110279

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

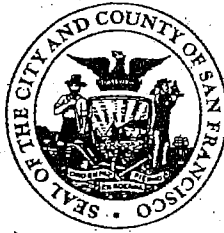
Fax:
415.558.6409

Planning
Information:
415.558.6377

The following modifications to the Planning Code have been proposed. This legislation is not a project under the California Environmental Quality Act (CEQA) per CEQA Guidelines Sections 15060(c)(3) and 15378:

- Allow eating and drinking uses as principally permitted uses in the Inner Clement Street and Outer Clement Street Neighborhood Commercial Districts (NCD) if the total street frontage dedicated to such uses does not exceed 30% and as conditionally permitted uses if the total street frontage dedicated to such uses exceeds 30%. Previously, three additional eating and drinking establishments were allowed by ordinance by right in the Inner Clement Street NCD. Two of these three are now in place. The third one should be allowed by right even though, per Planning staff's calculations, the third one will result in occupation of more than 30% of the Inner Clement Street NCD by eating and drinking establishments. All future additional eating and drinking establishments in the Inner Clement Street NCD would be approved through the conditional use permit process. Currently, legislation states that in the Outer Clement Street NCD, new eating and drinking establishments would be prohibited. This should be modified to state that these uses are instead "regulated to prevent over-concentration".
- Remove the prohibition on large fast-food restaurants and prohibit formula retail pet supply stores and formula retail eating and drinking establishments in the Geary Boulevard Fast-Food Subdistrict. The definition of "formula retail pet supply stores" should be amended to include only stores, which dedicate the majority of their occupied floor space to sales of pet supplies.
- Make video stores a principally permitted use on the ground floor in the NC-3 District and the Inner Clement. The NC-3 Zoning Control Table should be updated to permit video stores.

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

March 30, 2011

File No. 110279
110592

Bill Wycko
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Mr. Wycko:

On March 8, 2011, Supervisor Mar introduced the following proposed legislation:

File No. 110279 § 110592

Ordinance amending the San Francisco Planning Code by amending Section 781.4 to: 1) prohibit formula retail pet supply stores, as defined, in the Geary Boulevard Fast-Food Subdistrict; 2) amending the name of the Subdistrict to reflect this new prohibited use; and 3) adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

The legislation is being transmitted to you for environmental review, pursuant to Planning Code Section 306.7(c).

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Somera".

By: Alisa Somera, Committee Clerk
Land Use & Economic Development Committee

Attachment

- c: Nannie Turrell, Major Environmental Analysis
- Brett Bollinger, Major Environmental Analysis

*No. 4 a project per CEQA
Guidelines Sections
15060(c)(3) and
15378.*

*Nannie R. Turrell
April 7, 2011*



SAN FRANCISCO PLANNING DEPARTMENT

July 15, 2011

Ms. Angela Calvillo, Clerk
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Re: Transmittal of Planning Case Number 2011.0639T to the Board of Supervisors File No. Board File No. 11-0592/previously 11-0279 Inner and Outer Clement NCD and Geary Subdistrict Controls

Recommendation: THE PLANNING COMMISSION RECOMMENDS THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE WITH MODIFICATIONS THAT WOULD AMEND PLANNING CODE SECTIONS 263.20, 712.1, 716.1, AND 781.4.

Dear Ms. Calvillo,

On July 14, 2011 the San Francisco Planning Commission (hereinafter "PC") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance. The proposed ordinance would amend Planning Code provisions for Inner and Outer Clement NCD and Geary Subdistrict Controls.

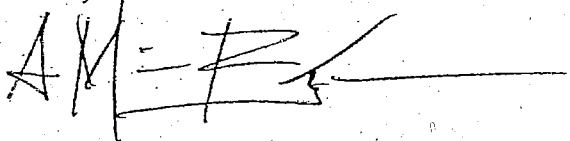
At the July 14 hearing, the PC voted 4-2 to recommend that the Board of Supervisors (hereinafter "The Board") adopt the Ordinance with modifications.

Specifically, the PC recommended the following modifications:

- Remove the Prohibition on Formula Retail Pet Supply Stores.
- Modify the controls governing overconcentration of eating and drinking establishments.
- Modify the description of the Outer Clement NCD.
- Amend the NC-3 Zoning Control Table to Permit Video Stores.
- Remove the proposed Amendments to Section 263.20.
- If the Board of Supervisors decides not to remove the prohibition on formula retail pet food stores, the Commission recommends that this definition should be amended.

Please find attached documents relating to the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'AM-Rodgers', with a long horizontal line extending to the right.

AnMarie Rodgers
Manager of Legislative Affairs

Cc: Supervisor Mar
City Attorneys: Andrea Ruiz-Esquide and Cheryl Adams

Attachments (one copy of the following):
Planning Commission Resolution No. 18409
Planning Department Executive Summary



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution 18409

HEARING DATE: JULY 14, 2011

1650 Mission St.
Suite 400
San Francisco,
CA-94103-2479

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Planning
Information:
415.558.6377

Project Name: Inner and Outer Clement NCD and Geary Subdistrict Controls
Case Number: 2011.0639T [Board File No. 11-0592/previously 11-0279]
Initiated by: Supervisor Mar: Introduced June 14, 2011/March 8, 2011
Staff Contact: AnMarie Rodgers, Manager Legislative Affairs
 anmarie.rodgers@sfgov.org, 415-558-6395
Reviewed by: David Lindsay, Team Leader NW Quadrant

Recommendation: Recommend Approval with Modifications

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE WITH MODIFICATIONS THAT WOULD AMEND PLANNING CODE SECTIONS 263.20, 712.1, 716.1, AND 781.4 TO: 1) ALLOW EATING AND DRINKING USES AS PRINCIPALLY PERMITTED USES IN THE INNER CLEMENT AND OUTER CLEMENT NEIGHBORHOOD COMMERCIAL DISTRICTS IF THE TOTAL STREET FRONTAGE DEDICATED TO SUCH USES DOES NOT EXCEED 30% AND AS CONDITIONALLY PERMITTED USES IF THE TOTAL STREET FRONTAGE DEDICATED TO SUCH USES EXCEEDS 30%; 2) REMOVE THE PROHIBITION ON LARGE FAST-FOOD RESTAURANTS AND PROHIBIT FORMULA RETAIL PET SUPPLY STORES AND FORMULA RETAIL EATING AND DRINKING ESTABLISHMENTS IN THE GEARY BOULEVARD FAST-FOOD SUBDISTRICT; 3) MAKE VIDEO STORES A PRINCIPALLY PERMITTED USE ON THE GROUND FLOOR IN THE NC-3 AND THE INNER CLEMENT AND OUTER CLEMENT NEIGHBORHOOD COMMERCIAL DISTRICTS; 4) PERMIT A HEIGHT INCREASE OF FIVE FEET TO PERMIT TALL GROUND-FLOOR CEILING HEIGHTS IN THE 40-X AND 50-X HEIGHT AND BULK DISTRICTS IN THE NC-3 ZONING DISTRICT ALONG GEARY BOULEVARD FROM SCOTT STREET TO 28TH AVENUE, ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.

WHEREAS, on March 8, 2011, Supervisor Mar introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 11-0279 which would amend Section 781.4 of the San Francisco Planning Code (hereinafter "Code") to prohibit formula retail pet supply stores, as defined, in the Geary Boulevard Fast-Food Subdistrict and amend the name of the Subdistrict to reflect this new prohibited use.

WHEREAS, on June 14, 2011, Supervisor Mar introduced a proposed Ordinance under Board File Number 11-0592 which would amend Code Sections 263.20, 712.1, 716.1, and 781.4 as described above;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on July 14, 2011; and,

WHEREAS, the proposed Ordinance but for the proposed amendments to Planning Code Section 263.20 has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(3) and 15378; and

WHEREAS, the proposed amendments to Planning Code Section 263.20 are currently undergoing the public comment period for a General Rule Exclusion under the California Environmental Quality Act; and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors approve with modifications the proposed ordinance. Specifically, the Commission recommends the following modifications:

- **Remove the Prohibition on Formula Retail Pet Supply Stores.** The Commission has recently considered proposals to add a Formula Retail Pet Supply Store (DBA Pet Food Express) at 3150 California Street and 2460 Lombard Street. The Commission disapproved the proposal at 2460 Lombard Street. In the discussion there was consideration to the proximity of this NC-3 zoned parcel to the nearby Chestnut NCD¹. The Commission asked the project sponsor to find another location. The project sponsor returned with an application for 3150 California Street which was approved by Motion Number 18139². An appeal of this decision was filed with the Board of Supervisors. On September 14, 2010 the Board heard the appeal but did not overturn the Commission's decision³. With consideration to the Commission's recent actions, it seems that

¹ Specifically, Motion Number 17975 stated, "Because the Lombard Street NC-3 District, the Chestnut Street NC-2 District and the Union Street NCD are so close together, the establishment of a new Formula Retail use on Chestnut Street, Union Street or Lombard Street can affect existing locally-owned businesses in any of these commercial districts."

² In Motion 18139 the Commission stated that, "The proposed use will provide a development that is necessary and desirable with the surrounding neighborhood. A windshield survey and internet search found no other comparable pet food and supply stores in the immediate vicinity. Further, the proposed use will be located in a space that was previously occupied by a formula retail use (DBA Hollywood Video) and the proposed use is not in conflict with the current character of this section of California Street."

³ There were a couple of votes on the appeal. The initial vote to approve the Commission decision failed on a vote of 4-7. The Board would have needed 6 votes to uphold the Commission decision and would have needed 8 votes to overturn the decision. Not having enough votes to either uphold the CU or to overturn the CU the Board voted unanimously to table the item. By tabling the appeal, the Commission decision to approve the CU stands.

Conditional Use authorizations required for Formula Retail are appropriate as this process allows for either a disapproval or approval as the specific conditions warrant.

- **Modify the controls governing overconcentration of eating and drinking establishments.** The Department recommends amending the control tables to allow one more such facility to be permitted in the Inner Clement District (thereby allowing the third and final establishment to be permitted instead of conditional permitted as envisioned in Ord. 250-07) and to only allow additional facilities by Conditional Use authorization. The Department further recommends allowing new eating and drinking facilities by Conditional Use authorization only in the Outer Clement District.
- **Modify the description of the Outer Clement NCD.** Currently, the description of this district states that new eating and drinking establishments are prohibited. If the Commission approves of the proposed Ordinance, this description should be changed to state that these uses are "regulated to prevent over-concentration".
- **Amend the NC-3 Zoning Control Table to Permit Video Stores.** While the legislative summary says that the table will be amended to allow Video Stores as a permitted use on the ground floor, the zoning control table has not been amended.
- **Remove the proposed Amendments to Section 263.20.** This proposed amendment is still undergoing CEQA review.
- **If the Board of Supervisors decides not to remove the prohibition on formula retail pet food stores, the definition should be amended.** Currently the definition of "pet supply store" in the draft Ordinance would include a retail use which "sells pet food, toys, apparatus, and similar pet items". As written this definition would capture any retail use which sells any amount of pet supplies, this should be amended so that only stores which dedicate the majority of the occupied floor space to such sales. Without this change, pharmacies, discount stores, even corner stores may be prohibited by the proposed Ordinance.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. Adding the height bonus for active retail on a portion of Geary Boulevard represents a small increase in height that would allow for a more generous ground floor without increasing the number of floors that could be built. This would improve the urban design at the pedestrian level on Geary Boulevard, a street that is in need of more pedestrian amenities.
2. Regarding the proposal to allow Video Stores without a Conditional Use authorization, the Commission anticipates that this will have minimal effect due to the decline of this industry. Any Video Store that was also a Formula Retail store would still require a Conditional Use authorization in this area.
3. The Commission supports the Supervisor's efforts to remove the prohibition on Large Fast-Food (\$790.90) restaurants. Controlling large chain fast-food restaurants in NCDs was difficult and inconsistent prior to the addition of Formula Retail Controls to the Planning Code in 2004. Now all Formula Retail establishments in this area would require a Conditional Use hearing before the Planning Commission, even if there is already a formal retail business in the existing space.

4. Regarding the proposal to regulate overconcentration of eating and drinking establishments in this area, as the Commission notes that the existing concentration of eating and drinking establishments is currently near or over 30% for the Inner Clement district, it seems appropriate to amend the Ordinance so that it would allow the additional restaurants envisioned in Ordinance Number 250-07 without Conditional Use but to not allow new restaurants unless either the new establishment receives a CU from the Commission or if existing eating and drinking establishments were to close. This modification would achieve the concentration levels sought by the Supervisor Mar and it would add certainty for members of the public and potential applicants. Since the Outer Clement district has had a prohibition on new such uses for some time, the Department does not have a recent survey of concentration levels for this district. Therefore, the Department recommends amending the Ordinance before you so that it only allows new eating and drinking establishments in the Outer Clement District by Conditional Use authorization, until more is known about the current concentration levels of such uses.
5. **General Plan Compliance.** The proposed Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan:

I. COMMERCE & INDUSTRY ELEMENT

THE COMMERCE AND INDUSTRY ELEMENT OF THE GENERAL PLAN SETS FORTH OBJECTIVES AND POLICIES THAT ADDRESS THE BROAD RANGE OF ECONOMIC ACTIVITIES, FACILITIES, AND SUPPORT SYSTEMS THAT CONSTITUTE SAN FRANCISCO'S EMPLOYMENT AND SERVICE BASE.

GOALS

THE THREE GOALS OF THE COMMERCE AND INDUSTRY ELEMENT OF THE GENERAL PLAN RELATE TO CONTINUED ECONOMIC VITALITY, SOCIAL EQUITY, AND ENVIRONMENTAL QUALITY.

OBJECTIVE 1

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT

OBJECTIVE 6

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1:

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

POLICY 6.2

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society.

POLICY 6.4

Encourage the location of neighborhood shopping areas throughout the city so that essential retail goods and personal services are accessible to all residents.

POLICY 6.10

Promote neighborhood commercial revitalization, including community-based and other economic development efforts where feasible.

The Ordinance and the modifications recommended by the Planning Commission will strengthen the neighborhood commercial districts vitality while protecting existing neighborhood-serving uses. The proposed Ordinance and modifications would provide enhanced opportunities for employment of neighborhood residents.

8. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed amendments will encourage retention of neighborhood-serving retail uses while providing opportunities for employment in or ownership of such businesses in the City by making it easier for new restaurants to open and operate.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed amendments will not have an impact on housing in Neighborhood Commercial Districts. Controls are in place in section 317 of the Planning Code that severely restricts the conversion of housing units to commercial units.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed amendments will have no adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed amendments will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The proposed amendments would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors

would not be impaired.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

Preparedness against injury and loss of life in an earthquake is unaffected by the proposed amendments. Any new construction or alteration associated with a use would be executed in compliance with all applicable construction and safety measures.

7. That the landmarks and historic buildings be preserved;

Landmarks and historic buildings would be unaffected by the proposed amendments. Should a proposed use be located within a landmark or historic building, such site would be evaluated under Planning Code provisions and comprehensive Planning Department policies.

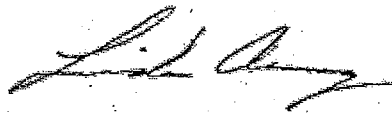
8. That our parks and open space and their access to sunlight and vistas be protected from development;

The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed amendments. The opportunity for a height bonus on Geary Street in conjunction with active ground floor uses would not relieve future projects from the requirements of Prop K.

8. Planning Code Section 302 Findings. The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance with modifications as described in this Resolution and in the proposed Ordinance with the modification outlined above.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on July 14, 2011.



Linda D. Avery
Commission Secretary

AYES: Olague, Miguel, Antonini, and Fong

NOES: Moore and Sugaya

ABSENT: Borden

ADOPTED: July 14, 2011



**SAN FRANCISCO
PLANNING DEPARTMENT**

**Executive Summary
Planning Code Text Change
HEARING DATE: JULY 14, 2011**

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

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Project Name: Inner and Outer Clement NCD and Geary Subdistrict Controls
Case Number: 2011.0639T [Board File No. 11-0598/previously 11-0279]
Initiated by: Supervisor Mar: Introduced June 14, 2011/March 8, 2011
Staff Contact: AnMarie Rodgers, Manager Legislative Affairs
 anmarie.rodgers@sfgov.org, 415-558-6395
Reviewed by: David Lindsay, Team Leader NW Quadrant

Recommendation: Recommend Approval with Modifications

PLANNING CODE AMENDMENT

The proposed Ordinance would amend San Francisco Planning Code Sections 263.20, 712.1, 716.1, and 781.4 to:

- 1) allow eating and drinking uses as principally permitted uses in the Inner Clement and Outer Clement Neighborhood Commercial Districts if the total street frontage dedicated to such uses does not exceed 30% and as conditionally permitted uses if the total street frontage dedicated to such uses exceeds 30%;
- 2) remove the prohibition on large fast-food restaurants and prohibit formula retail pet supply stores and formula retail eating and drinking establishments in the Geary Boulevard Fast-Food Subdistrict;
- 3) make video stores a principally permitted use on the ground floor in the NC-3 and the Inner Clement and Outer Clement Neighborhood Commercial Districts;
- 4) permit a height increase of five feet to permit tall ground-floor ceiling heights in the 40-X and 50-X Height and Bulk Districts in the NC-3 Zoning District along Geary Boulevard from Scott Street to 28th Avenue.

The Way It Is Now: Inner Clement and Outer Clement Eating and Drinking Controls

- The Inner Clement NCD currently prohibits Large Fast Food Restaurants (§790.90) and Small Self-Service Restaurants (§790.71). Full-Service Restaurants (§790.92) are permitted conditionally, and the Commission must make certain findings in order to allow an ABC license type 47 permit to serve liquor on the premises. In addition, the Inner Clement NCD was amended by Ordinance Number 250-07 in 2007 to allow three additional Full-Service Restaurants. Since this numerical limit was established, two new Full-Service have been permitted in the district¹. The district summary states that "special controls are necessary to preserve the equilibrium of neighborhood-serving convenience and comparison shipping businesses and protect adjacent residential livability. These controls prohibit additional financial service and limit additional eating and drinking establishments, late-night commercial uses and ground-story entertainment".

¹ Since 2007, Full-Service Restaurants have been permitted at 291 3rd Avenue and 626 Clement Street.

- The Outer Clement NCD currently prohibits Large Fast Food Restaurants (§790.90); Small Self-Service Restaurants (§790.71); and Full-Service Restaurants (§790.92). The district summary states that "The district's restaurants serve a neighborhood and Citywide clientele during the evening hours... Additional eating and drinking establishments are prohibited (*emphasis added*), while ground-story entertainment and financial service uses are monitored in order to limit the problems of traffic, congestion, noise and late-night activity associated with such uses and to protect existing neighborhood-serving businesses".

The Way It Would Be: Inner Clement and Outer Clement Eating and Drinking Controls

Both the Inner Clement NCD and the Outer Clement NCD controls would be amended to allow eating and drinking uses as principally permitted uses if the total street frontage dedicated to such uses does not exceed 30% and as conditionally permitted uses if the total street frontage dedicated to such uses exceeds 30%.

The Way It Is Now: Formula Retail and Fast-Food Restaurant Controls in the Geary Boulevard Fast-Food Subdistrict

Currently §781.4 controls create a subdistrict that prohibits Large Fast-Food (§790.90) restaurants on parcels zoned NC-3 that are located along Geary Boulevard between 14th and 28th Avenues.

The Way It Would Be: Formula Retail and Fast-Food Restaurant Controls in the Geary Boulevard Fast-Food Subdistrict

The §781.4 Subdistrict on Geary would be amended to remove the prohibition on Large Fast-Food restaurants and to create a prohibition on formula retail pet supply stores and formula retail eating/drinking establishments.

The Way It Is Now: Video Store Controls in the NC-3, the Inner Clement and Outer Clement Neighborhood Commercial Districts

Video Stores (§790.135) are permitted by Conditional Use authorization on the first and second stories of parcels that are within the Outer Clement and Inner Clement NCD. Within the NC-3 District, Video Stores are permitted by conditional use authorization on any story of a building.

The Way It Would Be: Video Store Controls in the NC-3, the Inner Clement and Outer Clement Neighborhood Commercial Districts

Video Stores, as governed by §790.135, would become a principally permitted use on the ground floor in the Inner Clement and Outer Clement Neighborhood Commercial Districts. While the legislative summary says that this change would also occur for the NC-3 District, the zoning control table has not been amended.

The Way It Is Now: 5-Foot Height Bonus for Active Ground Floor Uses

Section 263.20 currently provides a five-foot height bonus for active ground floor uses in NCT and certain NCD Districts. Certain NC-2 and NC-3 designated parcels on parts of Mission Street and certain NC-1 parcels in District Eleven allow a height bonus of up to 5-extra feet for active uses under this control. Geary Boulevard is currently not included in this height bonus.

The Way It Would Be: 5-Foot Height Bonus for Active Ground Floor Uses

Section 263.20 would be amended to permit a height increase of five feet to permit tall ground-floor ceiling heights in the 40-X and 50-X Height and Bulk Districts in the NC-3 Zoning District along Geary Boulevard from Scott Street to 28th Avenue.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

RECOMMENDATION

The Department recommends that the Commission recommend *approval with modifications* of the proposed Ordinance *with modifications* to include:

- **Remove the Prohibition on Formula Retail Pet Supply Stores.** The Commission has recently considered proposals to add a Formula Retail Pet Supply Store (DBA Pet Food Express) at 3150 California Street and 2460 Lombard Street. The Commission disapproved the proposal at 2460 Lombard Street. In the discussion there was consideration to the proximity of this NC-3 zoned parcel to the nearby Chestnut NCD². The Commission asked the project sponsor to find another location. The project sponsor returned with an application for 3150 California Street which was approved by Motion Number 18139³. An appeal of this decision was filed with the Board of Supervisors. On September 14, 2010 the Board heard the appeal but did not overturn the Commission's decision⁴. With consideration to the Commission's recent actions, it seems that Conditional Use authorizations required for Formula Retail are appropriate as this process allows for either a disapproval or approval as the specific conditions warrant.
- **Modify the controls governing overconcentration of eating and drinking establishments.** The Department recommends amending the control tables to allow one more such facility to be permitted in the Inner Clement District (thereby allowing the third and final establishment to be permitted instead of conditional permitted as envisioned in Ord. 250-07) and to only allow additional facilities by Conditional Use authorization. The Department further recommends

² Specifically, Motion Number 17975 stated, "Because the Lombard Street NC-3 District, the Chestnut Street NC-2 District and the Union Street NCD are so close together, the establishment of a new Formula Retail use on Chestnut Street, Union Street or Lombard Street can affect existing locally-owned businesses in any of these commercial districts."

³ In Motion 18139 the Commission stated that, "The proposed use will provide a development that is necessary and desirable with the surrounding neighborhood. A windshield survey and internet search found no other comparable pet food and supply stores in the immediate vicinity. Further, the proposed use will be located in a space that was previously occupied by a formula retail use (DBA Hollywood Video) and the proposed use is not in conflict with the current character of this section of California Street."

⁴ There were a couple of votes on the appeal. The initial vote to approve the Commission decision failed on a vote of 4-7. The Board would have needed 6 votes to uphold the Commission decision and would have needed 8 votes to overturn the decision. Not having enough votes to either uphold the CU or to overturn the CU the Board voted unanimously to table the item. By tabling the appeal, the Commission decision to approve the CU stands.

allowing new eating and drinking facilities by Conditional Use authorization only in the Outer Clement District.

- **Modify the description of the Outer Clement NCD.** Currently, the description of this district states that new eating and drinking establishments are prohibited. If the Commission approves of the proposed Ordinance, this description should be changed to state that these uses are "regulated to prevent over-concentration".
- **Amend the NC-3 Zoning Control Table to Permit Video Stores.** While the legislative summary says that the table will be amended to allow Video Stores as a permitted use on the ground floor, the zoning control table has not been amended.
- **If the Board of Supervisors decides not to remove the prohibition on formula retail pet food stores, the definition should be amended.** Currently the definition of "pet supply store" in the draft Ordinance would include a retail use which "sells pet food, toys, apparatus, and similar pet items". As written this definition would capture any retail use which sells any amount of pet supplies, this should be amended so that only stores which dedicate the majority of the occupied floor space to such sales. Without this change, pharmacies, discount stores, even corner stores may be prohibited by the proposed Ordinance.
- **The Commission should consider amending the General Plan.** The General Plan states that eating and drinking establishments should be reviewed if concentration levels are more than 20% and should be prohibited if these levels exceed 25%. The proposed legislation would establish a new threshold of 30% for the district. If the Commission believes that the existing controls are out dated, the Department recommends initiating amendments to the General Plan.

BASIS FOR RECOMMENDATION

Overall Recommendation. On balance, the legislation before the Commission is consistent with recent Commission actions. The proposal would allow for a height bonus in association for active uses. The Commission has generally supported expansions of this control⁵. Adding this small increment of height, would allow for a more generous ground floor without increasing the number of floors that could be built. This would improve the urban design at the pedestrian level on Geary Boulevard, a street that is in need of more pedestrian amenities. Regarding the proposal to allow Video Stores without a Conditional Use authorization, the Department anticipates that this will have minimal effect due to the decline of this industry. Any Video Store that was also a Formula Retail store would still require a Conditional Use authorization in this area. The Department supports the Supervisor's efforts to remove the prohibition on Large Fast-Food (\$790.90) restaurants. Controlling large chain fast-food restaurants in NCDs was difficult and inconsistent prior to the addition of Formula Retail Controls to the Planning Code in 2004⁶.

⁵ The Commission has supported proposals to extend the 5-foot height bonus in their review of Board File Numbers 090319 (District 11) and 101464 (Upper Market). In review of the 2008 proposal contained in Board File Number 08-1100 (Mission Street), the Commission took no action.

⁶ The first Formula Retail controls established in 2004 in San Francisco applied only to the Hayes-Gough NCD by Ord. 62-04. Since that time, these controls have been expanded to regulate Formula Retail uses in all NC Districts; the Japantown and Western SoMa SUDS; the Urban Mixed Use, Mixed Use-General, Residential Transit-Oriented, and Chinatown Visitor Retail districts; as well as the Residential Commercial districts. Most recently, Ord 63-11 added RC-3, RC-4, RH, RM, RTO, and RED Districts to the list of districts that require Conditional Use authorization. See

Now all Formula Retail establishments in this area would require a Conditional Use hearing before the Planning Commission, even if there is already a formal retail business in the existing space.

Issues of Overconcentration. Perhaps the most complicated portion of the Ordinance is the proposal to allow eating and drinking uses as "principally permitted" uses in the Inner Clement and Outer Clement Neighborhood Commercial Districts *if* the total street frontage dedicated to such uses does not exceed 30% *and* as "conditionally permitted" uses if the total street frontage dedicated to such uses exceeds 30%. Currently the General Plan relies on more conservative thresholds to determine if there is an over-concentration of Eating and Drinking establishments. Some of the thresholds currently in the General Plan include the following:

- The balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20% of the total occupied commercial frontage (*emphasis added*). Proposals for eating and drinking establishments which would increase the proportion of total occupied commercial frontage above 20% should be reviewed to ensure that they would not reduce the variety of neighborhood-serving uses; nor create substantial noise, traffic, parking problems, or other nuisances in the district or surrounding neighborhood. Those establishments that would do the above should not be permitted.
- Except in districts with an established pattern of service to a broad market, such as North Beach, such establishments should not occupy more than 25% of the total commercially-occupied frontage in a district (*emphasis added*).
- To minimize the problems they can create, eating and drinking uses should generally be at least 100 feet apart (*emphasis added*) from each other, unless there are factors making clustering of uses appropriate. For example, a configuration of clustered eating and drinking uses where off-street parking is shared might be more appropriate than an even distribution of such establishments.

Determining the total occupied commercial frontage is not as straight-forward nor as accurate of a calculation as it may initially seem. The Department is able to conduct this review in preparation for hearings before the Commission, however, it is difficult and time-consuming to perform this calculation. Project sponsors would now be tasked with making lease decisions without a clear understanding of the entitlement process that lies ahead. Applicants should have clear expectations as to whether their project would necessitate a hearing. If this legislation were adopted, the applicant who erroneously estimates the total street frontage dedicated to eating and drinking uses as being under the threshold may be shocked to learn that the Department has reached a different conclusion and would require a hearing before the Commission. In addition, the "street frontage dedicated to eating and drinking" may be a misleading indicator of overconcentration if there are large restaurants that have a small street frontage but expand behind the frontage. (Neither of these districts allow eating or drinking above the ground floor either under existing or proposed controls, however, if this control were expanded to other districts Eating and Drinking square footage above the ground floor would not be included in calculations of overconcentration.)

Existing Concentration Levels. The Inner and Outer Clement districts span 12 and 10 blocks respectively. The Department surveys districts to determine concentration levels only when new applicants seek entitlements for eating and drinking establishments. Since the Outer Clement currently

also Ordinance Numbers 62-04, 8-05, 65-05, 173-05, 204-06, 180-06, 0269-08, 0298-08, 0301-08, 304-08 and the 2007 Voter's Initiative, Proposition G.

prohibits new such establishments no survey has been completed recently. The most recent survey for the Inner Clement District was done in concert with a 2011 review of a Full-Service Restaurant for 626 Clement Street. In this case, the survey found that existing eating and drinking establishments were estimated at around 33%. Specifically, Commission Motion Number 18282 states:

"Based on a site survey of the Inner Clement Street NCD conducted by Planning staff, it is estimated that 1/3 of the frontage of the NCD is occupied by eating and drinking establishments (emphasis added). Although this concentration exceeds the 20% threshold indicated in the Commerce and Industry Element of the General Plan, the 2007 Ordinance No. 250-07 was enacted to permit 3 new full-service restaurants or wine and/or beer bars at the ground level to occupy some of the vacant commercial tenant space within the Inner Clement Street NCD; this would allow the character of the neighborhood to evolve with the gradual shift in the City-wide economy, which has led to closures of some neighborhood retail establishments along Inner Clement Street."

Given that the existing concentration of eating and drinking establishments is near or over 30% for the Inner Clement district, it seems appropriate to amend the Ordinance currently before the Commission so that it would allow the additional restaurants envisioned in Ordinance Number 250-07 without Conditional Use but to not allow new restaurants *unless* either the new establishment receives a CU from the Commission *or* if existing eating and drinking establishments were to close. This modification would achieve the concentration levels sought by the Supervisor Mar and it would add certainty for members of the public and potential applicants. Since the Outer Clement district has had a prohibition on new such uses for some time, the Department does not have a recent survey of concentration levels for this district. Therefore, the Department recommends amending the Ordinance before you so that it only allows new eating and drinking establishments in the Outer Clement District by Conditional Use authorization, until more is known about the current concentration levels of such uses.



SMALL BUSINESS COMMISSION
OFFICE OF SMALL BUSINESS



CITY AND COUNTY OF SAN FRANCISCO
EDWIN M. LEE, MAYOR

July 15, 2011

Ms. Angela Calvillo, Clerk of the Board
Board of Supervisors
City Hall room 244
1 Carlton B. Goodlett Place
San Francisco, CA 94102-4694

Re: Board of Supervisors File No. 110592 [Inner and Outer Clement NCD and Geary Subdistrict Controls.]

Small Business Commission Recommendation: **Approval**

Dear Ms. Calvillo:

On July 11, 2011, the Small Business Commission (SBC) voted unanimously to recommend that the Board of Supervisors approve BOS File No. 110506.

The Commission has comments on the first two of the components of the legislation: The Commission has comments on the first two of the components of the legislation

1) Allow eating and drinking uses as principally permitted uses in the Inner Clement and Outer Clement Neighborhood Commercial Districts if the total street frontage dedicated to such uses does not exceed 30% and as conditionally permitted uses if the total street frontage dedicated to such uses exceeds 30%

The Commission supports opening up opportunities for eating and drinking uses in the Clement NCD's. Although the SBC recommendation is to approve the ordinance as drafted, the Commission did receive notification by Supervisor Mar that the proposed modification by the Planning Commission is being considered. The proposed modification is consistent with the intent of the ordinance as presented and therefore is supported by the SBC if the Planning Commission chooses to accept the staff recommendation.

2) Remove the prohibition on large fast - food restaurants and prohibit formula retail pet supply stores and formula retail eating and drinking establishments in the Geary Boulevard Fast-Food Subdistrict

The SBC found that independent pet supply stores are a unique retail sector that is directly threatened by the expansion of formula retail pet stores in the City. The targeted area of Geary Avenue is particularly well served by these independent pet supply retailers and also has a number of other formula retail establishments operating inside the special use district. This ordinance will help protect these independent small businesses and will help prevent the further homogenization of this retail corridor. The current fast food restricted use sub-district was implemented to prevent the expansion of formula retail food outlets in the corridor, so this ordinance is consistent with the historical zoning of the neighborhood.

SMALL BUSINESS ASSISTANCE CENTER/ SMALL BUSINESS COMMISSION
1 DR. CARLTON B. GOODLETT PLACE, ROOM 110 SAN FRANCISCO, CALIFORNIA 94102-4681
(415) 554-6408



SMALL BUSINESS COMMISSION
OFFICE OF SMALL BUSINESS



CITY AND COUNTY OF SAN FRANCISCO
EDWIN M. LEE, MAYOR

Locally owned stores, versus formula retail businesses provide a number of benefits for the City of San Francisco:

- Significantly more money re-circulates in San Francisco when purchases are made at locally owned, rather than out of area and nationally owned businesses. More money is kept in the local economy rather than circulating out of the City and often State.
- More jobs are created by locally businesses. A higher percentage of income is re-distributed to the workforce.
- One-of-a-kind businesses are integral part of our City's character. Homogenization of retailers significantly impacts the character of our neighborhoods.
- Locally owned businesses are invested in our community. They make a commitment to their City and neighborhoods and non-profit organizations receive greater support from local business owners than they do from non-locally owned businesses.
- Competition and diversity leads to more choices. For each formula retail pet store that opens, several small independent retailers are pressured, often to the point of closing. Over time, this can reduce competition and can ultimately lead to higher prices.
- Reduced environmental impact. Locally owned businesses purchase products from local distributors. Large, formula retail competitors may have distribution centers from outside the area.

The Commission notes that the Planning Commission has recommended removal of this component of the ordinance. The SBC emphasizes the importance of this section in order to protect small businesses in the Richmond district. The SBC does support amending the definition of "pet supply store" in order to remove any confusion on the type of stores being targeted.

The SBC thanks Supervisor Mar for taking pro-active steps to support locally owned small business pet stores.

Sincerely,

Regina Dick-Endrizzi
Director, Office of Small Business

Cc: Supervisors Cohen, Mar, Wiener
Jason Elliott, Mayor's Office
AnMarie Rogers, Planning Department



Your pet's favorite new store!

Yes! I support an Unleashed by PETCO store coming to my neighborhood.

Please contact me with more information about the project.

Name: Ben Huang

Address: _____ City/Zip: _____

Phone Number: _____ Email: _____

Comments: _____

Please contact us at UnleashedByPETCO@gmail.com for more information and to find out how you can help.



Your pet's favorite new store!

Yes! I support an Unleashed by PETCO store coming to my neighborhood.

Please contact me with more information about the project.

Name: Lucretia Kal

Address: _____ City/Zip: _____

Phone Number: _____ Email: _____

Comments: _____

Please contact us at UnleashedByPETCO@gmail.com for more information and to find out how you can help.



Your pet's favorite new store!

Yes! I support an Unleashed by PETCO store coming to my neighborhood.

Please contact me with more information about the project.

Name: Bryan Houchard

Address: _____ City/Zip: _____

Phone Number: _____ Email: _____

Comments: _____

Please contact us at UnleashedByPETCO@gmail.com for more information and to find out how you can help.



Your pet's favorite new store!

Yes! I support an Unleashed by PETCO store coming to my neighborhood.

Please contact me with more information about the project.

Name: NIKE ZAMPERINI

Address: _____ City/Zip: _____

Phone Number: _____ Email: _____

Comments: _____

Please contact us at UnleashedByPETCO@gmail.com for more information and to find out how you can help.

Received = 700 Total

