

**LEGISLATIVE DIGEST**

[Planning Code - Commercial Uses in North Beach; Technical and Other Amendments]

**Ordinance amending the Planning Code to 1) eliminate the use size exemption for movie theaters in the North Beach Neighborhood Commercial District (“North Beach NCD”); 2) restrict lot mergers in the North Beach NCD, North Beach Special Use District (“North Beach SUD”), and Telegraph Hill-North Beach Residential Special Use District (“Telegraph Hill-North Beach SUD”); 3) require active commercial uses on the ground floor in the North Beach SUD and the North Beach NCD; 4) prohibit garage entries, driveways, or other vehicular access to off-street parking or loading on certain streets and alleys in North Beach NCD and Telegraph Hill-North Beach SUD and other streets; 5) deem restaurants that cease to operate for 18 months in the North Beach NCD to be discontinued; 6) authorize a special ceiling height exception to certain projects in the North Beach NCD; 7) clarify procedures for abating a Conditional Use authorization; 8) prohibit Planned Unit Developments in the North Beach SUD; 9) require active commercial uses on the ground floor and limit hours of operation in the North Beach NCD; 10) regulate Specialty Food Manufacturing, preserve and maintain small-scale, fine grain storefronts, protect and encourage upper-story residential uses, preserve Legacy Businesses, and prohibit certain uses in the North Beach SUD; 11) clarify and modify the requirements for approval of parking garages in the Telegraph Hill-North Beach SUD; 12) reduce lot size square footage that would require Conditional Use authorization in the North Beach District; 13) delete the definition of Take Out Food and amend the definitions of Limited-Restaurant, Restaurant, and Other Retail Sales and Services uses; and 14) update, correct, clarify, and simplify language in other Planning Code Sections; and affirming the Planning Department’s determination under the California Environmental Quality Act and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public convenience, necessity, and welfare under Planning Code, Section 302.**

**Amendments to Current Law**

This ordinance would amend the Planning Code as described below.

**Section 121.2**

- Existing Code: Exempts Movie Theaters in the North Beach Neighborhood Commercial District (“North Beach NCD”) from certain square footage limits.
- Proposed Amendments: Would eliminate the use size exemption for Movie Theaters in the North Beach NCD.

Section 121.7

- Existing Code: Restricts lot mergers on certain streets in certain districts.
- Proposed Amendments: Would restrict lot mergers in the North Beach NCD, North Beach Special Use District (“North Beach SUD”), and Telegraph Hill-North Beach Residential Special Use District (“Telegraph Hill-North Beach Residential Special Use District”).

Section 145.4

- Existing Code: Requires Active Commercial uses on certain street frontages.
- Proposed Amendments: Would require Active Commercial uses on street frontages that are entirely within the North Beach NCD and the North Beach SUD.

Section 155

- Existing Code: Prohibits garage entries, driveways, or other vehicular access to off-street parking or loading on certain specified streets and alleys.
- Proposed Amendments: Would prohibit garage entries, driveways, or other vehicular access to off-street parking or loading on certain specified streets and alleys in the North Beach NCD, Telegraph Hill-North Beach SUD, and other streets.

Section 186.1

- Existing Code: Provides that in the North Beach NCD, a nonconforming Restaurant use that is not used for a period of three years (rather than the otherwise applicable 18-month period) is deemed “discontinued.”
- Proposed Amendments: Would deem a non-conforming Restaurant in the North Beach NCD “discontinued” after an 18-month period of non-use.

Section 303

- Proposed Amendments: Would provide clarification that at any time while a Conditional Use authorization is effective, a Conditional Use may be subject to abatement on the basis of substantial evidence of a violation of conditions of approval, a violation of law, or creation of hazardous, noxious, or offensive conditions.

Section 304

- Existing Code: Prohibits Planned Unit Developments in certain districts.
- Proposed Amendments: Would prohibit Planned Unit Developments in the North Beach SUD.

Section 722

- Existing Code: Sets forth certain zoning controls for the North Beach NCD.
- Proposed Amendments would:
  - Require Active Commercial uses on the ground floor in the North Beach NCD.
  - Prohibit Accessory Dwelling Units from eliminating or reducing ground-story commercial space.

- Prohibit consolidation or merger of existing retail or commercial spaces or storefronts.
- Prohibit new walk-up facilities.
- Prohibit conversion, merger, removal, and demolition of upper-story residential units.
- Make various changes and clarifications to the North Beach NCD Zoning Control Table.

### Section 780.3

- Existing Code: Sets forth certain zoning controls for the North Beach SUD.
- Proposed Amendments would:
  - Allow Restaurants, Limited Restaurants, and Bars to operate if such uses receive Conditional Use authorization, which would require certain Planning Commission findings.
  - Allow Restaurants to provide on-site beer, wine, and/or liquor sales, as a conditional use on the ground level with certain liquor licenses and if the Planning Commission makes findings that Restaurant operates as a Bona-Fide Eating Place.
  - Prohibit consolidation or merger of existing ground floor retail or commercial spaces or storefronts.
  - Prohibit removal, demolition, merger, or conversion of existing Residential Units to non-residential use of Residential or unauthorized Units above the First Story.
  - Permit Specialty Food Manufacturing on the Ground Floor or below, upon receiving Conditional Use authorization.
  - Require Active Commercial uses on the Ground Floor, unless such uses are prohibited.
  - Prohibit Planned Unit Developments and Large-Scale Urban Agriculture.
  - Require new Non-Residential uses to obtain Conditional Use authorization in order to replace certain Legacy Businesses.
  - Prohibit ground floor Medical Service uses and require Medical Service uses on the second floor and above to obtain Conditional Use authorization.

### Section 249.49

- Existing Code: Regulates off-street residential parking spaces and parking garage installation in the Telegraph Hill-North Beach Special Use District (“Telegraph Hill-North Beach SUD”).
- Proposed Amendments: Would prohibit granting an application for a garage opening or addition of off-street parking if such proposal would eliminate or reduce ground-story retail or commercial space, decrease the square footage of any dwelling unit, or if building has been subject to any no fault evictions.

Section 121.1

- Existing Code: Limits Lot Size in North Beach District to 5,000 sq. ft.
- Proposed Amendments: Would decrease North Beach District Lot Size Limit to 2,500 sq. ft.

Section 253.1

- Proposed Amendments: Would make non-substantive changes in Code Section related to Broadway Neighborhood Commercial District.

Section 790.34

- Proposed Amendments: Would amend definition of “Eating and Drinking Use” by deleting reference to “Take Out Food.”

Section 790.90

- Proposed Amendments: Would amend definition of “Limited-Restaurant” by providing additional examples of such use, and restrict use of Occupied Floor Area of Limited-Restaurants for off-site beer and wine sales for off-premises consumption, with the required state license to sell alcohol.

Section 790.91

- Proposed Amendments: Would amend definition of “Restaurant” by deleting the reference to “Take Out Food” and replacing it with “ready-to-eat cooked foods” and corresponding changes.

Section 790.102

- Proposed Amendments would:
  - Amend definition of “Other Retail Sales and Services” to authorize use of no more than 15 percent of Occupied Floor Area for display and sale of alcoholic beverages with the required state license to sell alcohol.
  - Require Conditional Use authorization for conversion of a General Grocery use greater than 5,000 square feet.
  - Revise definition of “Specialty Grocery.”

Section 790.122

- Proposed Amendment would remove definition of “Take Out Food.”