8

12

[Zoning – Requiring a Conditional Use Permit for Formula Retail Uses in the Residential-Commercial Combined Medium Density (RC-3) and Residential-Commercial Combined High Density (RC-4) Districts along Van Ness Avenue, from Golden Gate Avenue to Chestnut Street.]

Ordinance amending the Planning Code by amending Section 209.9 adding new Section 209.10, to require a conditional use permit for formula retail uses in the Residential-Commercial Combined Medium Density (RC-3) and Residential-Commercial Combined High Density (RC-4) Districts along Van Ness Avenue, from Golden Gate Avenue to Chestnut Street; and adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Note:

Additions are <u>single-underline italics Times New Roman</u>; deletions are <u>strikethrough italics Times New Roman</u>. Board amendment additions are <u>double underlined</u>. Board amendment deletions are <u>strikethrough normal</u>.

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

Section 1. Findings. The Board of Supervisors of the City and County of San Francisco hereby find and determine that:

- (a) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this ordinance will serve the public necessity, convenience and welfare, for the reasons set forth in Planning Commission Resolution No. <u>17735</u>, and incorporates such reasons by this reference thereto. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File No. <u>081232</u>.
- (b) Pursuant to Planning Code Section 101.1, the Board of Supervisors finds that the ordinance is consistent with the Priority Policies of Section 101.1(b) of the Planning Code and

with the General Plan and hereby incorporates a report containing those findings as if fully set forth herein. A copy of said report is on file with the Clerk of the Board of Supervisors in File No. <u>081232</u>.

(c) The Planning Department concluded environmental review of this ordinance pursuant to the California Environmental Quality Act, Public Resources Code Section 2100 et seq. Documentation of that review is on file with the Clerk of the Board of Supervisors in File No. <u>081232</u>.

Section 2. The San Francisco Planning Code is hereby amended by amending Section 209.9, to read as follows:

SEC. 209.9. OTHER USES.

RH	R	RH	R	R	R	R	R	R	R	R	R	R	R	
4	H-	-1	H-	<b>H</b> -	M	М	М	M	Ŧ	C-	c-	C-	G-	
<del>(D)</del>	1	<del>(S)</del>	2	3	1	-2	-3	-4	Θ	1	2	3	4	
														SEC. 209.9. OTHER USES.
		_	_				5	_	_	_	n	_	₽	(a) Sale or lease sign, as defined and regulated
P.	P	<b>x</b>	Ľ	Ľ	۲	۲			×	Ħ	₽	<b>#</b>	1"	by Article 6 of this Code.
														(b) Planned Unit Development, as defined and
c	C	С	C	C	C	C	C	c	С	C	C	C	C	regulated by Section 304 and other applicable
														provisions of this Code.
		\		<b>~</b> .		~	. سر	<b>.</b>	<b>-</b>	<b>~</b> !				(c) Temporary uses, as specified in and
												Ħ		regulated by Sections 205 through 205.2 of this
208	<del>205.2</del>													Code.
	,									P	₽	P	Ρ	(d) Any use as specified in, and regulated by,

į		
1		Sections 209.3(d), (f), (g), (h), (j); 209.4(a), (b);
2		or 209.5(c) of this Code, when located in or
3		below the ground story of a building and not
4		above the ground story.
5		(e) Any use listed as a principal or conditional
6	e ee eeeeee	use permitted in an RC-1 District, when located
7		in a structure on a landmark site designated
8		pursuant to Article 10 of this Code, provided that:
9		(1) No application for a conditional use under this
10		provision shall be accepted for filing until a
11		period of 180 days shall have elapsed after the
12 <sub>.</sub>		date of designation of the landmark; and
13		(2) No conditional use shall be authorized under
14		this provision unless such authorization conforms
15		to the applicable provisions of Section 303 of this
16		Code and, in addition, unless the specific use so
17		authorized is essential to the feasibility of
18		retaining and preserving the landmark.
19		(f) Subject to Section 233(a), live/work units in
20		existing structures, including additions and
21		expansions thereof, provided that one or more
22		arts activities as defined in Section 102.2 of this
23		Code are the primary nonresidential use within
24		the live/work unit, that other nonresidential
25		

Supervisor McGoldrick BOARD OF SUPERVISORS

	y		·····	,				,		<b>,</b>					
1															activities are limited to those otherwise permitted
2			***************************************												in the district or otherwise conditional in the
3													A		district and specifically approved as a conditional
4				***************************************											use, and further subject to Section 303(c)(6)(B)
5															where that Section applies.
6	***************************************														(g) Subject to Section 233(a), live/work units,
7															provided that one or more arts activities as
8		·													defined in Section 102.2 of this Code are the
9												В	P	Б	primary non-residential use within the live/work
10						***************************************						F		F	unit, and that other nonresidential activities are
11															limited to activities otherwise permitted in the
12		Anna de la constanta de la con													district or otherwise conditional in the district and
13															specifically approved as a conditional use.
14		***************************************	~	rändravekssaldisvekskaladiske											(h) Subject to Section 233(a), live/work units,
15	e	e	e	e	e	E	e	e	Ç	e	₽	₽	₽	P	whether or not included above, which satisfy the
16				***************************************											conditions of Section 233(b) of this Code.
17				***************************************								_	P	_	(i) Arts activities except those uses subject to
18				***************************************								<u> </u>	-	۲	Sections 209.3(d) or (h).
19															(i) Mortuary and columbarium uses located on a
20															landmark site, and where the site is within a
21						_								_	Height and Bulk District of 40 feet or less, and
22	<del>C</del>	E	E	C	G	G	G	G	G	G	G	r.	G	G	where a columbarium use has lawfully and
23								***************************************							continuously operated since the time of
24			:					***************************************							designation. "Columbarium use" shall be defined
į.	1														

Supervisor McGoldrick BOARD OF SUPERVISORS

25

							as a use which provides for the storage of
							cremated remains in niches.
						~	(k) Formula Retail Uses. Formula Retail Uses,
					<del>ک</del> ا	7	as defined in Section 703.3(b) of this Code.

Section 2. The San Francisco Planning Code is amended by adding a new Section 209.10, to read as follows:

SEC. 209.10. FORMULA RETAIL USES IN THE RC-3 AND RC-4 DISTRICTS ALONG VAN NESS AVENUE.

Formula retail uses, as defined in Section 703.3(b) of this Code, shall be permitted, subject to conditional use authorization, in the RC-3 and RC-4 Districts located along Van Ness Avenue, from Golden Gate Avenue to Chestnut Street. When analyzing a conditional use authorization pursuant to this Section, the Planning Commission shall consider the criteria established in Sections 303(c), 303(i) and 703.3(h) of this Code. In addition, establishment of a formula retail use in the RC-3 and RC-4 Districts along Van Ness Avenue shall be subject to the terms of Sections 703.3(g) and (i).

APPROVED AS TO FORM:

DENNIS J. HERRERA, City Attorney

By:

ANDREA RUIZ-ESQUIDE

Supervisor McGoldrick
BOARD OF SUPERVISORS



## City and County of San Francisco Tails

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

## **Ordinance**

File Number:

081232

**Date Passed:** 

Ordinance amending the Planning Code by amending Section 209.9, to require a conditional use permit for formula retail uses in the Residential-Commercial Combined Medium Density (RC-3) and Residential-Commercial Combined High Density (RC-4) Districts; and adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

November 25, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 8 - Alioto-Pier, Ammiano, Chu, Daly, Maxwell, McGoldrick, Mirkarimi,

Peskin

Noes: 2 - Dufty, Elsbernd Absent: 1 - Sandoval

November 25, 2008 Board of Supervisors — PREVIOUS VOTE RESCINDED

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,

McGoldrick, Mirkarimi, Peskin

Absent: 1 - Sandoval

November 25, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 6 - Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin

Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Absent: 1 - Sandoval

December 9, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 7 - Campos, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

I hereby certify that the foregoing Ordinance was FINALLY PASSED on December 9, 2008 by the Board of Supervisors of the City and County of San Francisco.

A\_OCOTO

Angela Calvillo Clerk of the Board

**Date Approved** 

Mayor Gavin Newsom

Date: December 22, 2008

I hereby certify that the foregoing ordinance, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.

the shriver

Angela Calvillo Clerk of the Board

File No. 081232