

[Planning Code - Fulton Street Grocery Store Special Use District]

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**Ordinance amending the Planning Code, Section 249.35A, to extend the effective date for the Fulton Street Grocery Store Special Use District; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font. **Additions to Codes** are in *single-underline italics Times New Roman font*. **Deletions to Codes** are in *strikethrough italics Times New Roman font*. **Board amendment additions** are in double-underlined Arial font. **Board amendment deletions** are in ~~strikethrough Arial font~~. **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 131085 and is incorporated herein by reference.

(b) Pursuant to Planning Code Section 302, this Board finds that this Planning Code Amendment will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 18990 and the Board incorporates such reasons herein by reference. A copy of Planning Commission Resolution No. 18990 is on file with the Board of Supervisors in File No. 131085.

(c) On September 26, 2013, the Planning Commission, in Resolution No. 18990, adopted findings that the actions contemplated in this ordinance are consistent, on balance,

1 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The  
2 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of  
3 the Board of Supervisors in File No. 131085, and is incorporated herein by reference.

4 Section 2. The Planning Code is hereby amended by revising Section 249.35A to read  
5 as follows:

6 SEC. 249.35A. FULTON STREET GROCERY STORE SPECIAL USE DISTRICT

7 (a) **Purpose.** In order to provide for the consideration of a neighborhood-serving  
8 grocery store of moderate size in a location accessible to the Hayes Valley and Western  
9 Addition neighborhoods, there shall be a Fulton Street Grocery Store Special Use District,  
10 consisting of Lots 001, 015 and 028 of Assessor's Block 0794 as designated on Sectional  
11 Map 2SU of the Zoning Map. This Special Use District would enable the consideration of a  
12 project containing a grocery store in a district that does not permit such uses and of a building  
13 height not permitted by the established height limitations in the surrounding NCT district.

14 (b) **Definition.** ~~s. (+)~~ "Grocery Store" shall mean a retail use ~~which~~ that provides fresh  
15 produce and other unprepared perishable food products (such as dairy, fish, grains), in  
16 addition to other general groceries, personal items, household goods and similar goods.

17 (c) **Application.** This special use district shall apply only to projects that meet all of the  
18 following standards:

19 (1) Project is mixed-use, with both commercial and residential uses;

20 (2) Commercial uses include a grocery store larger than 15,000 square feet of  
21 gross occupied floor area; and

22 (3) Residential uses achieve a density of not less than 1 unit per 600 square  
23 feet of lot area

1 (d) **Controls.** The following controls apply to projects meeting the criteria of subsection  
2 (c) and to any subsequent alterations or changes of use in a building approved under this  
3 Section 249.35A.

4 (1) The controls of the Hayes-Gough NCT apply in their entirety, except as  
5 specified in this Section.

6 (2) Any commercial uses in addition to the grocery store may not exceed 3,000  
7 square feet of occupied floor area per use.

8 (3) Accessory off-street parking shall not be permitted for any commercial use  
9 except the grocery store.

10 (4) All subsequent changes of use shall require Conditional Use authorization  
11 from the Planning Commission. The only non-residential uses ~~which~~ that may be permitted in  
12 the space initially approved for a grocery store shall include Trade Shop (Planning Code section  
13 790.124), Other Institutions, Large (Planning Code section 790.50), Other Institutions, Small  
14 (Planning Code section 790.51), and Public Use (Planning Code section 790.80), except that  
15 Other Retail Sales and Services (Planning Code section 790.102) may be permitted provided  
16 that no individual tenant occupies more than 3,000 square feet of gross floor area.

17 (e) **Effectiveness of Controls in this Ordinance.** The controls of this Section 249.35A shall  
18 apply only ~~are effective only if to~~ a grocery store ~~subject that the Planning Commission approves~~  
19 pursuant to the requirements of this ~~s~~Section 249.35A between May 4, 2008 and January 1, 2019. is  
20 ~~approved by the Planning Commission within five years of the effective date of this ordinance~~

21 Section 3. Effective Date. This ordinance shall become effective 30 days after  
22 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
23 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
24 of Supervisors overrides the Mayor's veto of the ordinance.

1           Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
5 additions, and Board amendment deletions in accordance with the “Note” that appears under  
6 the official title of the ordinance.

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

10 By: \_\_\_\_\_  
11       KATE HERRMANN STACY  
12       Deputy City Attorney

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