

LEGISLATIVE DIGEST

[Planning Code - Allowing an Existing Restaurant and/or Bar to Open a Second Location with a Conditional Use Authorization - North Beach Special Use District]

Ordinance amending the Planning Code to allow an existing restaurant and/or bar in the North Beach Special Use District to open a second location in the District with a conditional use authorization provided that it meets certain criteria; affirming the Planning Department's California Environmental Quality Act determination; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

Planning Code Section 780.3 establishes the North Beach Special Use District. It allows the establishment of a new restaurant or bar in that Special Use District with a conditional use and only if the Planning Commission finds that the restaurant or bar does not occupy (1) a space that is currently or was last occupied by a Basic Neighborhood Sale or Service, as defined in Section 780.3, or a permitted principal use or (2) a vacant space last occupied by a nonconforming use or a permitted conditional use.

Amendments to Current Law

Section 780.3 is proposed to be amended to allow the Planning Commission to authorize an existing restaurant and/or bar in the North Beach Special Use District to expand to a second location within the District if it meets the conditional use criteria and the Commission further finds that: (1) the existing restaurant and/or bar has been in continuous operation within the District for at least one year, (2) the proposed second location is a ground-level space of 5,000 square feet or more that has been vacant for at least 15 months, (3) the second location will use at least 40 percent of the space for a Basic Neighborhood Sales or Service use, (4) the expansion of the existing restaurant into a second location is consistent with the General Plan and the priority policies of Section 101.1, will provide a desirable new service or addition to the surrounding neighborhood and the District as a whole and will not conflict with the purpose and intent of Section 780.3.

Background Information

The proposed legislation would establish a process by which the Planning Commission may consider allowing certain larger, vacant commercial spaces to be occupied by second locations of Restaurant or Bar uses that are already established within the North Beach Special Use District. Through the Conditional Use process, the Planning Commission would exercise its discretion to determine whether a proposed Restaurant or Bar use meets the criteria set forth in the proposed legislation, including whether the proposed use provides a "substantial net benefit" to the neighborhood.

