

File No. 151289

Committee Item No. _____

Board Item No. 16

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date _____

Board of Supervisors Meeting

Date January 12, 2016

Cmte Board

- | | | |
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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Memorandum of Understanding (MOU) |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 - Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 700 |
| <input type="checkbox"/> | <input type="checkbox"/> | Vacancy Notice |
| <input type="checkbox"/> | <input type="checkbox"/> | Information Sheet |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

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|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Board of Supervisors Ordinance (File No. 151084)</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Completed by: Alisa Somera Date January 8, 2016

Completed by: _____ Date _____

1 [Approval of a 45-Day Extension for Planning Commission Review to Allow an Existing Bar on
2 the Ground Floor in the Upper Market Neighborhood Commercial Transit District (File No.
3 151084)]

4 **Resolution extending by 45 days the prescribed time within which the Planning**
5 **Commission may render its decision on an Ordinance (File No. 151084) amending the**
6 **San Francisco Planning Code to allow an existing bar on the ground floor in the Upper**
7 **Market Street Neighborhood Commercial Transit District to expand to the second floor**
8 **under specified circumstances with a Conditional Use Authorization; affirming the**
9 **Planning Department's determination under the California Environmental Quality Act;**
10 **and making findings of consistency with the General Plan, and the eight priority**
11 **policies of Planning Code, Section 101.1, and findings of public necessity,**
12 **convenience, and welfare under Planning Code, Section 302.**

13
14 WHEREAS, On November 3, 2015, Supervisor Wiener introduced legislation amending
15 the Planning Code to allow an existing bar on the ground floor in the Upper Market Street
16 Neighborhood Commercial Transit District to expand to the second floor under specified
17 circumstances with a Conditional Use Authorization; affirming the Planning Department's
18 determination under the California Environmental Quality Act; and making findings of
19 consistency with the General Plan, and the eight priority policies of Planning Code, Section
20 101.1, and findings of public necessity, convenience, and welfare under Planning Code,
21 Section 302; and

22 WHEREAS, On or about October 27, 2015, the Clerk of the Board of Supervisors
23 referred the proposed ordinance to the Planning Commission; and

1 WHEREAS, The Planning Commission shall, in accordance with Planning Code
2 Section 306.4(d), render a decision on the proposed Ordinance within 90 days from the date
3 of referral of the proposed amendment or modification by the Board to the Commission; and

4 WHEREAS, Failure of the Commission to act within 90 days shall be deemed to
5 constitute disapproval; and

6 WHEREAS, The Board, in accordance with Planning Code Section 306.4(d) may, by
7 Resolution, extend the prescribed time within which the Planning Commission is to render its
8 decision on proposed amendments to the Planning Code that the Board of Supervisors
9 initiates; and

10 WHEREAS, Supervisor Wiener has requested additional time for the Planning
11 Commission to review the proposed Ordinance; and

12 WHEREAS, The Board deems it appropriate in this instance to grant to the Planning
13 Commission additional time to review the proposed Ordinance and render its decision; now,
14 therefore, be it

15 RESOLVED, That by this Resolution, the Board hereby extends the prescribed time
16 within which the Planning Commission may render its decision on the proposed Ordinance for
17 approximately 45 additional days, until March 11, 2016.

1 [Planning Code - Upper Market Street Neighborhood Commercial Transit District; Second
2 Floor Bars]

3 Ordinance amending the Planning Code to allow an existing bar on the ground floor in
4 the Upper Market Street Neighborhood Commercial Transit District to expand to the
5 second floor under specified circumstances with a Conditional Use authorization;
6 affirming the Planning Department’s determination under the California Environmental
7 Quality Act; and making findings of consistency with the General Plan, and the eight
8 priority policies of Planning Code, Section 101.1, and findings of public necessity,
9 convenience, and welfare under Planning Code, Section 302.

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

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

16
17 Section 1. Findings.

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

23 (b) On _____, the Planning Commission, in Resolution No. _____,
24 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
25 with the City’s General Plan and the eight priority policies of Planning Code Section 101.1.

1 The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk
 2 of the Board of Supervisors in File No. _____, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, this Board finds that the actions
 4 contemplated in this ordinance will serve the public necessity, convenience, and welfare for
 5 the reasons set forth in Planning Commission Resolution No. _____ and the Board
 6 incorporates such reasons herein by reference.

7
 8 Section 2. The Planning Code is hereby amended by revising Section 733, to read as
 9 follows:

10 * * * *

11 **Table 733. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL**
 12 **TRANSIT DISTRICT ZONING CONTROL TABLE**

* * * *	* * * *	* * * *	* * * *		
	Zoning Category	§ References	Upper Market Street Transit Controls by Story		
		§ 790.118	1st	2nd	3rd+
* * * *					
Retail Sales and Services					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
733.41	Bar	§ 790.22	C	-C#	-
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *

21 **SPECIFIC PROVISIONS FOR THE UPPER MARKET STREET**
 22 **NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
* * * *	* * * *	* * * *

§ 733.41	§§ 102, 790.22	<i>Within the Upper Market Street Neighborhood Commercial Transit District, an existing Bar on the ground floor operating under a Conditional Use authorization may expand to the second floor if: (a) the space to be converted has not been in Residential use within the previous five years, (b) an internal staircase connecting the ground floor Bar use and the upper floor already exists, and (c) there will be no expansion of the building envelope.</i>
* * * *	* * * *	* * * *

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

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

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

By: _____
JUDITH A. BOYAJIAN
Deputy City Attorney

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LEGISLATIVE DIGEST

[Planning Code - Upper Market Street Neighborhood Commercial Transit District; Second Floor Bars]

Ordinance amending the Planning Code to allow an existing bar on the ground floor in the Upper Market Neighborhood Commercial Transit District to expand to the second floor under specified circumstances with a Conditional Use authorization; 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 necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

Section 733 establishes the Upper Market Street Neighborhood Commercial Transit District. A Bar use is a Conditional Use on the ground floor and is not permitted on the second story and above.

Amendments to Current Law

The Zoning Control Table for Section 733 is amended to permit an existing Bar on the ground floor operating under a Conditional Use authorization to expand to the second floor if: (1) the space to be converted has not been in Residential use within the previous five years, (2) an internal staircase connecting the ground floor Bar use and the upper floor already exists, and (3) there will be no expansion of the building envelope.

Background Information

The purpose of the proposed amendment is to encourage a dynamic commercial corridor with both daytime and nighttime activities by giving existing Bar uses the option of expanding into upstairs space so long as that space is not residential in nature.

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Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative

Sponsor(s):

Supervisor Wiener

Subject:

Approval of a 30-Day Extension for Planning Commission Review to allow an existing bar on the ground floor in the Upper Market Neighborhood Commercial Transit District (File No. 151084)

The text is listed below or attached:

Resolution extending by 30 days the prescribed time within which the Planning Commission may render its decision on a Ordinance (File No. 151084) amending the San Francisco Planning Code to allow an existing bar on the ground floor in the Upper Market Street Neighborhood Commercial Transit District to expand to the second floor under specified circumstances with a Conditional Use Authorization; 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 necessity, convenience, and welfare under Planning Code, Section 302.

Signature of Sponsoring Supervisor:

Geo. A. Adams

For Clerk's Use Only:

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

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Signature of Sponsoring Supervisor: Scott Wilson

For Clerk's Use Only:

