

LEGISLATIVE DIGEST

(4/24/2017, Duplicated in Committee)

[Planning Code - Article 7 Reorganization; Technical and Other Amendments]

Ordinance amending the Planning Code to reorganize Article 7 and to update, correct, clarify, and simplify Code language in other Planning Code Sections; requiring Conditional Use authorization for Bars, and Liquor Stores on the first floor in the Noriega, Irving, Taraval, and Judah Neighborhood Commercial Districts; enacting permanent controls requiring Conditional Use authorization for Medical Cannabis Dispensaries in the Noriega, Irving, Taraval, and Judah Neighborhood Commercial Districts; require Conditional Use authorization for Personal Services on the second floor in the Noriega, Irving, Taraval, and Judah Neighborhood Commercial Districts; prohibit Kennels, Large Scale Urban Agriculture, Business Hours from 2 a.m. to 6 a.m., and the demolition or merger of units on the second story and above in the North Beach Neighborhood Commercial District; preserve the small storefronts, street frontage and prohibit vehicular access on certain streets within the North Beach NCD and SUD; create the definition of Special Food Manufacturing and amending the Eating and Drinking Controls for the North Beach SUD; 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 adopting findings of public convenience, necessity, and welfare under Planning Code Section 302.

Existing Law

Article 7 establishes a number of general and named Neighborhood Commercial (NC) and Neighborhood Commercial Transit (NCT) Districts as well as some Subdistricts and Restricted Use Districts. Land use controls, development standards, and density controls for each District are outlined in a Zoning Control Table. Specific uses are defined in Sections 790.2 through 790.142. Other sections of the Planning Code that are applicable to Neighborhood Commercial Districts are listed in Section 799.

Amendments to Current Law

This ordinance is one of two interrelated ordinances that reorganize and update Article 7 of the Planning Code. Because the two ordinances are interrelated, the amendments made by this ordinance will not go into effect unless the companion ordinance is also enacted and in effect.

This ordinance reorganizes Article 7, revises all the Article 7 Zoning Control Tables to match the format of the Tables in Article 2, and makes technical and substantive amendments to applicable sections in other Articles to update, correct, clarify, and simplify language. The companion ordinance deletes all the current Article 7 zoning control tables, the definitions that

were added to Section 102 in the Article 2 reorganization legislation but temporarily left in Article 7, and other text that became outdated with the enactment of the Article 2 reorganization legislation.

All the proposed amendments – both technical and substantive -- are detailed and explained in the Executive Summary that was prepared for the Planning Commission hearing by Department staff, which ~~will be~~ was transmitted to the Board as part of the legislative package that was introduced. The Executive Summary describes the Main Amendments, the Definition Changes, the specific amendments to the Sunset Neighborhood Commercial District (NCD), the co-terminous North Beach NCD and North Beach Special Use District, and an amendment to the Broadway NCD.

This Amendment of the Whole Ordinance also amends the list of uses that are considered Formula Retail in order to preserve existing controls. Rather than listing out the Retail Sales and Service uses that are subject to Formula Retail, the Planning Code would now state that all Retail Sales and Service Uses are subject to Formula Retail Controls, except for a specific list of uses. This maintains the current assumption that unidentified Retail Sales and Service Uses, ones which have not been defined yet or thought of, are subject to Formula Retail controls. The existing list of uses subject to Formula Retail controls for Article 8 districts remains, but will be deleted once Article 8 goes through the reorganization process.

Background Information

In 2013, the Planning Department initiated a Code Reorganization Project. The goal of the Project is to restructure the Planning Code so that it is easier to read, understand, and use. Phase 1 consolidated all use definitions and definitions that are used universally throughout the Code into Section 102 of the Code. It also reorganized Article 2 by creating zoning control tables for Residential, Downtown, and Industrial zoning districts that are similar to those in Article 7 but modified to reduce their length and complexity and to be less confusing to the public. The Planning Commission unanimously recommended Phase 1 of the Project to the Board in October of 2014, and it was enacted in February, 2015 by Ordinance No. 022-15.

This ordinance together with its companion ordinance constitute Phase 2 of the Code Reorganization Project. It reorganizes Article 7 so that the NC and NCT Districts use the consolidated definitions in Section 102 created in Phase 1, updates the format of the zoning control tables to match those in Article 2, and makes technical and other amendments to various Code sections. The Project's final phase will reorganize Article 8.

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