

REVISED LEGISLATIVE DIGEST

(Substituted, 7/18/17)

[Planning Code - North Beach, Telegraph Hill, Broadway and Chinatown Area Controls; Formula Retail]

Ordinance amending the Planning Code to support Legacy Businesses; expand the definition of historic buildings and impose additional requirements in the Broadway Neighborhood Commercial District (NCD) and North Beach Special Use District (SUD); prohibit certain uses in the North Beach SUD; reduce the lot size limit in the North Beach SUD; modify the requirements for approval of parking garages in the Telegraph Hill-North Beach Residential SUD, the North Beach NCD, and Chinatown Mixed Use Districts; revise the definition of Formula Retail; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public convenience, necessity, and welfare under Planning Code, Section 302.

Existing Law

The Planning Code contains many provisions that guide development in the North Beach, Telegraph Hill, Broadway and Chinatown Areas. Relevant provisions for this proposed ordinance are the following provisions.

Lot Size: Permitted lot size in North Beach without a conditional use permit is 5,000 square feet.

Garage Installation: Mandatory discretionary review is required when a building consisting of 4 dwelling units or more installs a parking garage in the North Beach NCD, the North Beach-Telegraph Hill Residential SUD, and the Chinatown Mixed Use Districts. The project must meet certain criteria for approval.

Historic Buildings: Buildings and sites in these areas are subject to general City, state and federal laws applicable to certain identified historic buildings.

Formula Retail: The formula retail provisions of Section 303.1 apply to retail sales and service, among other uses. The retail sales and service category includes the following uses: Adult Business, Animal Hospital, Bar, Cat Boarding, Chair and Foot Massage, Tourist Oriented Gift Store, General Grocery, Specialty Grocery, Gym, Hotel, Jewelry Store, Kennel, Liquor Store, Massage Establishment, Chair and Foot Massage, Mobile Food Facility, Mortuary (Columbarium), Motel, Non-Auto Sales, Pharmacy, Restaurant, Limited Restaurant, General Retail Sales and Service, Financial Services, Fringe Financial Services, Limited Financial Services, Health Services, Instructional Service, Personal Service, Retail Professional Service, Self-Storage, Tobacco Paraphernalia Establishment, and Trade Shop. The City has not considered all of these uses subject to existing formula retail controls.

Legacy Businesses: Legacy Businesses may be identified, but there are no controls applicable to Legacy Business sites.

Permitted Uses:

- (1) Health Service Uses are permitted in the North Beach NCD.
- (2) Planned Unit Developments are permitted in the North Beach Special Use District, in compliance with Planning Code Section 304.5.
- (3) Large Scale Urban Agriculture is permitted in the North Beach Special Use District.
- (4) There is no requirement for “active commercial uses,” as defined in Planning Code Section 145.4, on the ground floor in the North Beach Special Use District.

Amendments to Current Law

Lot Size: Permitted lot size in North Beach NCD without a conditional use permit would be 2,500 square feet.

Garage Installation: Mandatory discretionary review is required in an existing or proposed building consisting of 2 dwelling units or more installs a parking garage in the North Beach NCD, the North Beach-Telegraph Hill Residential SUD, and the Chinatown Mixed Use Districts. The project must meet certain criteria for approval.

Historic Buildings: An expanded definition of historic buildings, or historic resources, applies in the Broadway Neighborhood Commercial District and the North Beach Special Use District. In both districts, “historic buildings” or “historic resources” include Planning Code Article 10 Landmarks and buildings located within Article 10 Historic Districts, buildings listed or potentially eligible for individual listing on the National or California Registers, and buildings located within listed or potentially eligible National Register or California Register historic districts. The Planning Department shall also consult materials available through the California Historical Resources Information System (CHRIS) and Inventory to determine eligibility. In the North Beach SUD, “historic buildings” also includes buildings and districts identified by surveys adopted by the City.

For such buildings, the Historic Preservation Commission or its staff must review any proposed alterations, and determine that such alterations comply with the Secretary of Interior’s Standards for the Treatment of Historic Properties before the City approves any permits to alter such buildings.

Formula Retail: The amendments specify that all of the uses listed under the category of “sales and service, retail” -- Adult Business, Animal Hospital, Bar, Cat Boarding, Chair and Foot Massage, Tourist Oriented Gift Store, General Grocery, Specialty Grocery, Gym, Hotel, Jewelry Store, Kennel, Liquor Store, Massage Establishment, Chair and Foot Massage,

Mobile Food Facility, Mortuary (Columbarium), Motel, Non-Auto Sales, Pharmacy, Restaurant, Limited Restaurant, General Retail Sales and Service, Financial Services, Fringe Financial Services, Limited Financial Services, Health Services, Instructional Service, Personal Service, Retail Professional Service, Self-Storage, Tobacco Paraphernalia Establishment, and Trade Shop -- shall be subject to existing formula retail controls.

Legacy Businesses: Any new Non-Residential Use proposed where the immediately prior Commercial Use was a Legacy Business would require Conditional Use authorization.

Permitted Uses:

(1) Health Service Uses would not be permitted in the North Beach NCD at the ground floor and would require conditional use authorization to be located on the 2nd and 3rd floors.

(2) Planned Unit Developments would not be permitted in the North Beach Special Use District.

(3) Large Scale Urban Agriculture would not be permitted in the North Beach Special Use District.

(4) "Active commercial uses," as defined in Planning Code Section 145.4, would be required on the ground floor in the North Beach Special Use District.

Conditional Use Authorizations: For any use that requires conditional use authorization in the North Beach Special Use District, the City must find that the proposed project supports the purposes of the North Beach Special Use District. Those purposes are to (1) preserve and maintain the mix and variety of neighborhood-serving retail sales and personal services of a type that supplies commodities or offers personal services to residents of North Beach and nearby neighborhoods; (2) preserve and maintain the District's small-scale, fine grain storefronts; (3) protect and encourage upper-story Residential Uses; (4) preserve and enhance the architectural and cultural heritage of North Beach; and (5) preserve the contributions of Legacy Businesses to the history and identity of North Beach.