

BOARD of SUPERVISORS



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April 23, 2018

File No. 180388

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On April 17, 2018, Supervisor Stefani introduced the following proposed legislation:

File No. 180388

Ordinance amending the Planning Code and the Zoning Map to establish the 2101 Lombard Street Special Use District; 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.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning

1 [Planning Code, Zoning Map - 2101 Lombard Street Special Use District]

2
3 **Ordinance amending the Planning Code and the Zoning Map to establish the 2101**
4 **Lombard Street Special Use District; affirming the Planning Department's**
5 **determination under the California Environmental Quality Act; and making findings of**
6 **consistency with the General Plan, and the eight priority policies of Planning Code,**
7 **Section 101.1, and findings of public necessity, convenience, and welfare under**
8 **Planning Code, Section 302.**

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

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

17 Section 1. Environmental and Land Use 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. _____, adopted findings
24 that the actions contemplated in this ordinance are consistent, on balance, with the City's
25 General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts

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

3 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that these
4 Planning Code amendments will serve the public necessity, convenience, and welfare for the
5 reasons set forth in Planning Commission Resolution No. _____, and the Board incorporates
6 such reasons herein by reference. A copy of said Resolution is on file with the Clerk of the
7 Board of Supervisors in File No. _____, and is incorporated herein by reference.

8
9 Section 2. The Planning Code is hereby amended by adding Section 249.83 and
10 revising Sections 263.20 and 712, to read as follows:

11 **SEC. 249.83. 2101 LOMBARD STREET SPECIAL USE DISTRICT.**

12 A Special Use District entitled the 2101 Lombard Street Special Use District (2101 Lombard
13 Street SUD, or SUD) is hereby established for the purposes set forth in this Section 249.83.

14 (a) Location. The 2101 Lombard Street SUD consists of Assessor's Parcel Block No. 0510, Lot
15 001. Its boundaries are shown on Special Use District Map SU02 of the Zoning Map.

16 (b) Purpose. The purpose of the 2101 Lombard Street SUD is to facilitate the development of
17 certain Eating and Drinking uses that may serve both the immediate neighborhood and the larger San
18 Francisco community. The surrounding area contains a mix of commercial and residential uses.

19 (c) Relationship to Other Planning Code Provisions. Applicable provisions of the Planning
20 Code shall control in the 2101 Lombard Street SUD except as otherwise provided in this Section
21 249.83. In the event of a conflict between other provisions of the Planning Code and this Section
22 249.83, this Section shall control.

23 (d) Controls. The following provisions shall apply within the 2101 Lombard Street SUD:
24
25

1 (1) **Restaurants and Limited Restaurants.** Restaurant and Limited Restaurant uses
2 may be permitted on the Second Story and above as a Conditional Use through the procedures set forth
3 in Section 303 of this Code.

4 (2) **Bars.** Bar uses shall be principally permitted uses on the First Story and may be
5 permitted on the Second Story and above as a Conditional Use through the procedures set forth in
6 Section 303 of this Code.

7 (3) **Special Height Exception: Additional Five Feet for Active Ground Floor Uses.**
8 For uses that meet all of the criteria in Section 263.20 of this Code, one additional foot of height, up to
9 a total of five feet, shall be permitted above the designated height limit for each additional foot of
10 ground floor clear ceiling height in excess of 10 feet from sidewalk grade, or in the case of residential
11 units, for each foot the unit is raised above sidewalk grade.

12
13 **SEC. 263.20. SPECIAL HEIGHT EXCEPTION: ADDITIONAL FIVE FEET HEIGHT**
14 **FOR ACTIVE GROUND FLOOR USES IN CERTAIN DISTRICTS.**

15 * * * *

16 (b) Applicability. The special height exception described in this section shall only apply
17 to projects that meet all of the following criteria:

18 (1) project is located in a 30-X, 40-X, or 50-X Height and Bulk District as
19 designated on the Zoning Map;

20 (2) project is located in one of the following districts:

21 * * * *

22 (E) on a NC-3 designated parcel fronting on Geary Boulevard from
23 Masonic Avenue to 28th Avenue, except for parcels on the north side of Geary Boulevard
24 between Palm Avenue and Parker Avenue; ~~or~~

1 (F) on a parcel zoned NC-1 on Noriega, Irving, Taraval, or Judah Streets
2 west of 19th Avenue.; or

3 (G) in the 2101 Lombard Street Special Use District.

4 * * * *

5
6 **SEC. 712. NC-3 – MODERATE-SCALE NEIGHBORHOOD COMMERCIAL**
7 **DISTRICT.**

8 * * * *

9 **Table 712. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-3**
10 **ZONING CONTROL TABLE**

11 * * * *

12 (1) Additional five feet for projects in the 2101 Lombard Special Use District pursuant to
13 Section 263.20 of this Code, and for NC-23 parcels zoned 40' or 50' with an Active Use on the
14 ground floor within the following areas: Geary from Masonic Avenue to 28th Avenue, except
15 for parcels on the north side of Geary Boulevard between Palm Avenue and Parker Avenue,
16 see § 263.20.

17 * * * *

18
19 Section 3. The Zoning Map of the Planning Code is hereby amended by revising
20 Special Use District Map SU02 to include the 2101 Lombard Street Special Use District, as
21 follows:

22
23
24
25

Assessor's Block	Lot	Special Use District Hereby Approved
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0510	001	2101 Lombard Street Special Use District
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Section 4. 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 5. Scope of Ordinance. Except as noted in Section 3 of this 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: 
PETER R. MILJANICH
Deputy City Attorney

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LEGISLATIVE DIGEST

[Planning Code, Zoning Map - 2101 Lombard Street Special Use District]

Ordinance amending the Planning Code and the Zoning Map to establish the 2101 Lombard Street Special Use District; 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

The Planning Code and Zoning Map regulate development in the City, including Eating Drinking uses and height limits. Sections 235 through 249.99 of the Planning Code establish various Special Use Districts. Article 7 of the Planning Code sets forth the zoning controls for Neighborhood Commercial Districts in San Francisco, including NC-3 Moderate-Scale Neighborhood Commercial Districts.

2101 Lombard Street is currently zoned NC-3. NC-3 districts permit Bar, Restaurant, and Limited Restaurant uses on the first and second story, but do not permit Bar, Restaurant, and Limited Restaurant uses on the third story or above.

Section 263.20 of the Planning Code allows up to an additional five feet of height, in certain districts, for buildings that feature ground floor commercial space or other active uses with ground floor ceilings greater than ten feet from sidewalk grade, or ground floor residential units raised up from sidewalk level. In order to qualify for this additional height allowance under Section 263.20, ground floor commercial space, active use, or walk-up residential use must also be primarily oriented along a right-of-way wider than 40 feet, and ground floor commercial space or active use must occupy at least 50% of the project's ground floor area. For projects in NC-3 districts, the project sponsor must conclusively demonstrate that the additional height allowance would not add new shadow to any public open spaces.

Amendments to Current Law

This Ordinance creates a new Special Use District (2101 Lombard Street SUD) to permit certain Eating and Drinking uses that may serve both the immediate neighborhood and the larger San Francisco community, and to allow up to an additional five feet of height for uses meeting the criteria in Section 263.20 of this Code. Specifically, the Ordinance provides that all applicable requirements of the Planning Code shall apply to the 2101 Lombard Street SUD, except that:

- (1) Restaurant and Limited Restaurant uses may be permitted as a Conditional Use on the second story and above.

(2) Bar uses shall be principally permitted uses on the first story and may be permitted as a Conditional Use on the second story and above.

(3) For projects that meet all of the criteria in Section 263.20 of this Code, one additional foot of height, up to a total of five feet, shall be permitted above the designated height limit for each additional foot of ground floor clear ceiling height in excess of 10 feet from sidewalk grade, or in the case of residential units, for each foot the unit is raised above sidewalk grade.

The Ordinance also amends the Zoning Map to create the SUD.

Background Information

2101 Lombard Street is located on the southwest corner of Lombard Street and Fillmore Street. The surrounding neighborhood contains a mix of existing commercial, residential, and related uses. The northern arm of the Union Street Neighborhood Commercial District, which includes many eating and drinking establishments, is adjacent to southern edge of 2101 Lombard. A restaurant currently occupies the only building on the site.

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