

1 [Planning Code - Mission Alcoholic Beverage Special Use District and Mission Street
2 Neighborhood Commercial Transit District]

3 **Ordinance amending the Planning Code to require Conditional Use authorization for**
4 **Restaurants and prohibit new ABC License Type 75 establishmentsBrewpubs within a**
5 **subarea of the Mission Alcoholic Beverage Special Use District; to establish limits on**
6 **the number of eating and drinking establishments, require Conditional Use**
7 **authorization for replacing Legacy Businesses and new Bars, prohibit mergers of**
8 **commercial space resulting in greater than 1,500 gross square feet, require ground-**
9 **floor non-residential tenant space for large projects, and expand Philanthropic Service**
10 **and Light Manufacturing uses in the Mission Street Neighborhood Commercial Transit**
11 **District; and affirming the Planning Department’s determination under the California**
12 **Environmental Quality Act, and making findings of consistency with the General Plan**
13 **and the eight priority policies of Planning Code, Section 101.1, and findings of public**
14 **necessity, convenience, and welfare under Planning Code, Section 302.**

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

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

23 Section 1. Environmental and Land Use Findings.

24 (a) The Planning Department has determined that the actions contemplated in this
25 ordinance comply with the California Environmental Quality Act (California Public Resources
Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of

1 Supervisors in File No. 180803 and is incorporated herein by reference. The Board affirms
2 this determination.

3 (b) On October 19, 2018, the Planning Commission, in Resolution No. 20316, adopted
4 findings that the actions contemplated in this ordinance are consistent, on balance, with the
5 City’s General Plan and eight priority policies of Planning Code Section 101.1. The Board
6 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
7 Board of Supervisors in File No. 180803, and is incorporated herein by reference.

8 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that these
9 Planning Code amendments will serve the public necessity, convenience, and welfare for the
10 reasons set forth in Planning Commission Resolution No. 20316, and the Board incorporates
11 such reasons herein by reference. A copy of said Resolution is on file with the Clerk of the
12 Board of Supervisors in File No. 180803, and is incorporated herein by reference.

13
14 Section 2. The Planning Code is hereby amended by revising Section 249.60, to read
15 as follows:

16 **SEC. 249.60. MISSION ALCOHOLIC BEVERAGE SPECIAL USE DISTRICT.**

17 * * * *

18 (f) **Restaurants and establishments with ABC License Type 75 Brewpubs.** The
19 following provisions shall apply to all parcels located east of the western boundary of the Mission
20 Street Neighborhood Commercial Transit District (including parcels fronting 14th Street and east of
21 Mission Street) and north of Cesar Chavez Street:

22 (1) Any proposed Restaurant use, as defined in Planning Code Section 102, must
23 obtain Conditional Use authorization from the Planning Commission pursuant to Planning Code
24 Section 303.

1 (2) New establishments with ABC License Type 75 Brewpubs are prohibited.
2 Existing Brewpubs with ABC License Type 75 establishments located within the SUD may relocate,
3 subject to the underlying zoning district, within the SUD.

4
5 Section 3. The Planning Code is hereby amended by revising Section 754, to read as
6 follows:

7
8 **SEC. 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
9 **DISTRICT.**

10 (a) Background. The Mission Street Neighborhood Commercial Transit District is
11 located near the center of San Francisco in the Mission District. It lies along Mission Street
12 between 15th and Cesar Chavez ~~(Army)~~ Streets, and includes adjacent portions of 17th Street,
13 21st Street, 22nd Street, and Cesar Chavez Street. The commercial area of this District
14 provides a selection of goods serving the day-to-day needs of the residents of the Mission
15 District. Additionally, this District serves a wider trade area with its specialized retail outlets.
16 Eating and drinking establishments contribute to the ~~street's~~ District's mixed-use character and
17 activity in the evening hours.

18 (b) Purpose. The purposes of the Mission Street Neighborhood Commercial Transit
19 District include:

20 (1) To preserve and enhance the existing storefront configuration and size, signage,
21 artwork, and other character-defining elements of the built environment;

22 (2) To preserve the contributions of Legacy Businesses to the history and identity of
23 the District;

1 (3) To retain, enhance, and promote active community involvement and input on
2 development within the District by conducting thorough outreach to stakeholders and neighborhood
3 groups and responding to community input; and

4 (4) To retain, enhance, and promote neighborhood-serving businesses and
5 institutions that enhance economic and workforce opportunities for local residents by coordinating
6 with the Office of Economic and Workforce Development to engage with the City's workforce system to
7 provide employment opportunities, career trainings, and formal partnerships to identify and address
8 both business and community workforce needs.

9 (c) Controls.

10 (1) General Controls. The District is extremely well-served by transit, including
11 regional-serving BART stations at 16th Street and 24th Street, major buses running along
12 Mission Street, and both cross-town and local-serving buses intersecting Mission Street along
13 the length of this district. Given the area's central location and accessibility to the City's transit
14 network, accessory parking for residential uses is not required. Any new parking is required to
15 be set back or be below ground.

16 This District has a mixed pattern of larger and smaller lots and businesses, as well as a
17 sizable number of upper-story residential units. Controls are designed to permit moderate-
18 scale buildings and uses, protecting rear yards above the ground story and at residential
19 levels. New neighborhood-serving commercial development is encouraged mainly at the
20 ground story. Ground story uses are required to include active commercial uses with
21 storefronts facing the street. While offices and general retail sales uses may locate at the
22 second story of new buildings under certain circumstances, most commercial uses are
23 prohibited above the second story. Continuous retail frontage is promoted by requiring ground
24 floor commercial uses in new developments and prohibiting curb cuts. Housing development
25 in new buildings is encouraged above the ground story. Housing density is not controlled by

1 the size of the lot but by requirements to supply a high percentage of larger units and by
2 physical envelope controls. Existing residential units are protected by prohibitions on upper-
3 story conversions and limitations on demolitions, mergers, and subdivisions. Accessory
4 Dwelling Units are permitted within the District pursuant to subsection 207(c)(4) of this Code.

5 (2) **Commercial Mergers.** The consolidation or merger of existing ground floor
6 commercial spaces that would result in greater than 1,500 gross square feet of consolidated or merged
7 space shall be prohibited, except for Legacy Businesses, Arts Activities Uses, and Institutional
8 Community Uses. The prohibition shall not apply to projects that submitted a development
9 application, as defined in Section 401, to the Planning Department prior to July 31, 2018.

10 (3) **First Story Non-Residential Tenant Space for Large Projects.** Projects larger
11 than 10,000 gross square feet shall be required to provide space for a non-residential tenant on the
12 first story with immediate access to the street frontage. The non-residential tenant space shall not
13 exceed 1,500 gross square feet.

14 (4) **Replacement of a Legacy Business Requires Conditional Use Authorization.**
15 Where an immediately prior use was a Legacy Business, as defined under Administrative Code Section
16 2A.242, the controls require any new Non-Residential Use to obtain Conditional Use authorization;
17 provided, however, that this requirement shall not apply where: (A) the subject non-residential space
18 has had no occupant and has not been open to the public for three or more years from the date the
19 application for the new use is filed, or (B) where the Legacy Business has removed itself or has been
20 otherwise removed from the Legacy Business Registry.

21 (5) For any use subject to Conditional Use authorization under this Section 754, the
22 Planning Commission shall find that the use supports at least three of the four purposes of the District
23 as set forth in subsection (b) above.

**Table 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT
DISTRICT ZONING CONTROL TABLE**

* * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
		Controls by Story		
		1st	2nd	3rd+
* * * *				
Industrial Use Category				
Industrial Uses*	§§ 102, 202.2(d)	NP	NP	NP
<i>Light Manufacturing</i>	<i>§§ 102, 890.54</i>	<i>P(5)</i>	<i>P</i>	<i>P</i>
* * * *				
Institutional Use Category				
* * * *				
Philanthropic Admin. Services	§ 102	NP	NP	<i>NPP(6)</i>
* * * *				
Sales and Service Use Category				
* * * *				
Bar	§§ 102, 202.2(a)	<i>PC(7)</i>	<i>PC(7)</i>	NP
* * * *	* * * *	* * * *	* * * *	* * * *

1	Restaurant	§§ 102, 202.2(a), <u>249.60(f)(1)</u>	<u>PC(7)</u>	NP	NP
2	Restaurant, Limited	§§ 102, 202.2(a)	<u>P(7)</u>	NP	NP

3 * * * *

4 (5) Light Manufacturing is not permitted in first-story spaces that front Mission Street.

5 (6) Philanthropic Administrative Services shall not exceed 2,500 gross square feet per use.

6 (7) The total number of eating and drinking uses (Restaurants, Limited Restaurants, and
7 Bars) within the District shall not exceed 167. A new Restaurant, Limited Restaurant, or Bar shall not
8 be permitted if it would result in a net total of more than 167 eating and drinking uses in the District.
9 Accessory Limited Restaurants are not subject to and do not count toward the 167 cap on eating and
10 drinking uses.

11

12 Section 4. Two years after the effective date of this ordinance, the Office of Economic
13 and Workforce Development, in consultation with the Planning Department, shall evaluate
14 economic conditions and the functionality of the Mission Alcoholic Beverage Special Use
15 District and Mission Street Neighborhood Commercial Transit District. No less than five years
16 and no more than six years from the effective date of this ordinance, the Office of Economic
17 and Workforce Development, in consultation with the Planning Department, shall again
18 evaluate economic conditions and the functionality of the Mission Alcoholic Beverage Special
19 Use District and Mission Street Neighborhood Commercial Transit District and shall make a
20 report to the Board of Supervisors on each district's effectiveness in serving the purposes of
21 the applicable district and the Mission District as a whole, which report may include
22 recommended amendments to the Planning Code provisions regarding those districts.
23

1 Section 5. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor's veto of the ordinance.

5
6 Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
7 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
8 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
9 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
10 additions, and Board amendment deletions in accordance with the "Note" that appears under
11 the official title of the ordinance.

12
13
14 APPROVED AS TO FORM:
15 DENNIS J. HERRERA, City Attorney

16 By: _____
17 ROBB W. KAPLA
18 Deputy City Attorney

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