

1 [Planning Code - North Beach Special Use District - Consolidation of Groundfloor Storefronts]

2

3 **Ordinance amending the Planning Code to allow the consolidation or merger of**  
4 **groundfloor storefronts in the North Beach Special Use District for an existing Public**  
5 **Facility for San Francisco Police Department functions or auxiliary space associated**  
6 **with such use; affirming the Planning Department’s determination under the California**  
7 **Environmental Quality Act; making findings of consistency with the General Plan, and**  
8 **the eight priority policies of Planning Code, Section 101.1; and adopting findings of**  
9 **public necessity, 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.

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

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19 Section 1. Environmental and Land Use Findings.

20 (a) The Planning Department has determined that the actions contemplated in this  
21 ordinance are not defined as a project under the California Environmental Quality Act  
22 (California Public Resources Code Sections 21000 et seq.) and CEQA Guidelines Sections  
23 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in  
24 the environment. Said determination is on file with the Clerk of the Board of Supervisors in  
25 File No. 200114 and is incorporated herein by reference. The Board affirms this  
determination.

1 (b) The Board of Supervisors finds that the proposed amendments to the Planning  
2 Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the  
3 Planning Code:

4 1. That existing neighborhood-serving retail uses be preserved and enhanced and future  
5 opportunities for resident employment in and ownership of such businesses enhanced;

6 The proposed ordinance will allow an existing police station to expand into a vacant  
7 commercial space; it will not displace any existing neighborhood-serving retail use, nor will it  
8 prevent opportunities for resident employment in and ownership of such businesses.

9 2. That existing housing and neighborhood character be conserved and protected in order  
10 to preserve the cultural and economic diversity of our neighborhoods;

11 The proposed Ordinance would not have a negative effect on housing or neighborhood  
12 character.

13 3. That the City's supply of affordable housing be preserved and enhanced;

14 The proposed Ordinance would not have an adverse effect on the City's supply of  
15 affordable housing.

16 4. That commuter traffic not impede MUNI transit service or overburden our streets or  
17 neighborhood parking;

18 The proposed Ordinance would not result in commuter traffic impeding MUNI transit  
19 service or overburdening the streets or neighborhood parking.

20 5. That a diverse economic base be maintained by protecting our industrial and service  
21 sectors from displacement due to commercial office development, and that future  
22 opportunities for resident employment and ownership in these sectors be enhanced;

23 The proposed Ordinance would not cause displacement of the industrial or service  
24 sectors due to office development, and future opportunities for resident employment or  
25 ownership in these sectors would not be impaired.

1           6. That the City achieve the greatest possible preparedness to protect against injury and  
2           loss of life in an earthquake;

3           The proposed Ordinance would not have an adverse effect on City's preparedness  
4           against injury and loss of life in an earthquake.

5           7. That the landmarks and historic buildings be preserved;

6           The proposed Ordinance would not have an adverse effect on City's preparedness  
7           against injury and loss of life in an earthquake.

8           8. That our parks and open space and their access to sunlight and vistas be protected  
9           from development;

10          The proposed Ordinance would not have an adverse effect on the City's parks and  
11          open space and their access to sunlight and vistas.

12          (c)     The Board of Supervisors finds that the proposed amendments to the Planning  
13          Code are consistent, on balance, with the City's General Plan and advance the following  
14          Objectives and Policies:

15                 OBJECTIVE 1 - DISTRIBUTE, LOCATE, AND DESIGN POLICE FACILITIES IN A  
16                 MANNER THAT WILL ENHANCE THE EFFECTIVE, EFFICIENT AND RESPONSIVE  
17                 PERFORMANCE OF POLICE FUNCTIONS.

18                 POLICY 1.2 - Provide the number of district stations that balance service effectiveness  
19                 with community desires for neighborhood police facilities.

20                 The proposed ordinance will allow the existing Central Police Station, a district station,  
21                 to expand. The station's current location is in accordance with the Police Facilities Plan as  
22                 outlined in the Community Facilities Element.

23                 POLICY 1.3 - Enhance closer police/community interaction through the decentralization  
24                 of police services that need not be centralized.

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1 The Central Police station is part of the decentralized network of police stations  
 2 throughout the city. The proposed ordinance will enable the existing Central Policy station to  
 3 expand its investigative function, allowing for closer police and community interaction in its  
 4 investigative unit.

5 (d) Pursuant to Planning Code Section 302, the Board finds that this Planning Code  
 6 amendment will serve the public necessity, convenience, and welfare.

7  
 8 Section 2. The Planning Code is hereby amended by revising Sections 722 and 780.3,  
 9 to read as follows:

10 **SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.**

11 \* \* \* \*

12 **Table 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT**  
 13 **ZONING CONTROL TABLE**

Zoning Category	§ References	Controls
* * * *		
<b>NON-RESIDENTIAL STANDARDS AND USES</b>		
<b>Development Standards</b>		
* * * *	* * * *	* * * *
Use Size	§§ 102, 121.2, 780.3(c)(3)	P up to 1,999 square feet; C 2,000 square feet to 3,999 square feet; NP 4,000 square feet and above. Specialty Grocery use shall not exceed a Use Size of 1,000 square feet within the North Beach Special Use District. <u>(5)</u>
* * * *	* * * *	* * * *

22 \* \* \* \*

23  
 24 (5) NORTH BEACH SPECIAL USE DISTRICT (Section 780.3): Restaurants,

1 Limited Restaurants ~~Limited Restaurants~~, and Bars may be permitted as a Conditional Use on the  
2 First Story through the procedures set forth in Section 303 only if the Zoning Administrator first  
3 determines that the proposed new Restaurant, Limited Restaurant, or Bar would occupy a  
4 space that is currently or was last legally occupied by one of the uses described below;  
5 provided that its last use has not been discontinued or abandoned pursuant to Sections  
6 186.1(d) or 178(d) of this Code and that the proposed new use will not enlarge the space; and  
7 provided further that no Conditional Use shall be required if the use remains the same as the  
8 prior authorized use, with no enlargement or intensification of use:

9 \* \* \* \*

10 (E) Existing retail or commercial spaces or storefronts may be consolidated or merged with  
11 an existing Public Facility for San Francisco Police Department functions or auxiliary space  
12 associated with such use. Any increase or decrease in square footage resulting from such consolidation  
13 or merger is Principally Permitted and does not require a Conditional Use authorization. This  
14 subsection (E) shall expire three years after its effective date unless extended by ordinance, pursuant to  
15 Section 780.3(c)(3).

16 **SEC. 780.3. NORTH BEACH SPECIAL USE DISTRICT.**

17 \* \* \* \*

18 (c) **Controls.** The following provisions shall apply within such District:

19 \* \* \* \*

20 (3) **Storefronts.** To preserve and maintain the District’s small-scale, fine  
21 grain storefronts, (A) the consolidation or merger of existing retail or commercial spaces or  
22 storefronts is prohibited, and (B) Specialty Groceries shall not exceed a Non-Residential Use  
23 Size of 1,000 square feet.

24 Exception. Existing retail or commercial spaces or storefronts may be consolidated or merged  
25 with an existing Public Facility for San Francisco Police Department functions or auxiliary space

1 associated with such use. Any increase or decrease in square footage resulting from such consolidation  
2 or merger is Principally Permitted and does not require a Conditional Use authorization under  
3 subsection (c)(9) below. This exception to the storefront merger prohibition shall be in effect for three  
4 years from its effective date unless further extended by ordinance. Unless so extended, the City Attorney  
5 shall cause this paragraph stating the foregoing exception to be removed from this Code, along with  
6 the sentence referencing it in subsection (c)(9).

7 \* \* \* \*

8 (9) **Conditional Use Authorizations.** In addition to the findings required  
9 under Section 303 of this Code, for any use or project within the District that is subject to  
10 Conditional Use authorization under this Section 780.3, Section 722, or any other section of  
11 this Code, the Planning Commission shall find that the proposed project supports the  
12 purposes of the North Beach SUD set forth in this Section 780.3. For the duration of the  
13 Exception stated in subsection (c)(3), a Conditional Use authorization is not required for use of  
14 consolidated or merged space for a Public Facility for San Francisco Police Department functions or  
15 auxiliary space associated with such use.

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

21  
22 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
23 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
24 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
25 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

1 additions, and Board amendment deletions in accordance with the "Note" that appears under  
2 the official title of the ordinance.

3

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

6 By: /s/ JUDITH A. BOYAJIAN  
7 JUDITH A. BOYAJIAN  
8 Deputy City Attorney

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