



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text Change HEARING DATE: JULY 14, 2011

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Project Name: **Inner and Outer Clement NCD and Geary Subdistrict Controls**
Case Number: 2011.0639T [Board File No. 11-0590/previously 11-0279]
Initiated by: Supervisor Mar: Introduced June 14, 2011/March 8, 2011
Staff Contact: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395
Reviewed by: David Lindsay, Team Leader NW Quadrant
Recommendation: **Recommend Approval with Modifications**

PLANNING CODE AMENDMENT

The proposed Ordinance would amend San Francisco Planning Code Sections 263.20, 712.1, 716.1, and 781.4 to:

- 1) allow eating and drinking uses as principally permitted uses in the Inner Clement and Outer Clement Neighborhood Commercial Districts if the total street frontage dedicated to such uses does not exceed 30% and as conditionally permitted uses if the total street frontage dedicated to such uses exceeds 30%;
- 2) remove the prohibition on large fast-food restaurants and prohibit formula retail pet supply stores and formula retail eating and drinking establishments in the Geary Boulevard Fast-Food Subdistrict;
- 3) make video stores a principally permitted use on the ground floor in the NC-3 and the Inner Clement and Outer Clement Neighborhood Commercial Districts;
- 4) permit a height increase of five feet to permit tall ground-floor ceiling heights in the 40-X and 50-X Height and Bulk Districts in the NC-3 Zoning District along Geary Boulevard from Scott Street to 28th Avenue.

The Way It Is Now: Inner Clement and Outer Clement Eating and Drinking Controls

- The **Inner Clement NCD** currently prohibits Large Fast Food Restaurants (§790.90) and Small Self-Service Restaurants (§790.71). Full-Service Restaurants (§790.92) are permitted conditionally, and the Commission must make certain findings in order to allow an ABC license type 47 permit to serve liquor on the premises. In addition, the Inner Clement NCD was amended by Ordinance Number 250-07 in 2007 to allow three additional Full-Service Restaurants. Since this numerical limit was established, two new Full-Service have been permitted in the district¹. The district summary states that "special controls are necessary to preserve the equilibrium of neighborhood-serving convenience and comparison shipping businesses and protect adjacent residential livability. These controls prohibit additional financial service and limit additional eating and drinking establishments, late-night commercial uses and ground-story entertainment".

¹ Since 2007, Full-Service Restaurants have been permitted at 291 3rd Avenue and 626 Clement Street.

- The **Outer Clement NCD** currently prohibits Large Fast Food Restaurants (§790.90); Small Self-Service Restaurants (§790.71); and Full-Service Restaurants (§790.92). The district summary states that “The district’s restaurants serve a neighborhood and Citywide clientele during the evening hours...Additional eating and drinking establishments are prohibited(*emphasis added*), while ground-story entertainment and financial service uses are monitored in order to limit the problems of traffic, congestion, noise and late-night activity associated with such uses and to protect existing neighborhood-serving businesses”.

The Way It Would Be: Inner Clement and Outer Clement Eating and Drinking Controls

Both the **Inner Clement NCD** and the **Outer Clement NCD** controls would be amended to allow eating and drinking uses as principally permitted uses *if* the total street frontage dedicated to such uses does not exceed 30% and as conditionally permitted uses if the total street frontage dedicated to such uses exceeds 30%.

The Way It Is Now: Formula Retail and Fast-Food Restaurant Controls in the Geary Boulevard Fast-Food Subdistrict

Currently §781.4 controls create a subdistrict that prohibits Large Fast-Food (§790.90) restaurants on parcels zoned NC-3 that are located along Geary Boulevard between 14th and 28th Avenues.

The Way It Would Be: Formula Retail and Fast-Food Restaurant Controls in the Geary Boulevard Fast-Food Subdistrict

The §781.4 Subdistrict on Geary would be amended to remove the prohibition on Large Fast-Food restaurants and to create a prohibition on formula retail pet supply stores and formula retail eating/drinking establishments.

The Way It Is Now: Video Store Controls in the NC-3, the Inner Clement and Outer Clement Neighborhood Commercial Districts

Video Stores (§790.135) are permitted by Conditional Use authorization on the first and second stories of parcels that are within the Outer Clement and Inner Clement NCD. Within the NC-3 District, Video Stores are permitted by conditional use authorization on any story of a building.

The Way It Would Be: Video Store Controls in the NC-3, the Inner Clement and Outer Clement Neighborhood Commercial Districts

Video Stores, as governed by §790.135, would become a principally permitted use on the ground floor in the Inner Clement and Outer Clement Neighborhood Commercial Districts. While the legislative summary says that this change would also occur for the NC-3 District, the zoning control table has not been amended.

The Way It Is Now: 5-Foot Height Bonus for Active Ground Floor Uses

Section 263.20 currently provides a five-foot height bonus for active ground floor uses in NCT and certain NCD Districts. Certain NC-2 and NC-3 designated parcels on parts of Mission Street and certain NC-1 parcels in District Eleven allow a height bonus of up to 5-extra feet for active uses under this control. Geary Boulevard is currently not included in this height bonus.

The Way It Would Be: 5-Foot Height Bonus for Active Ground Floor Uses

Section 263.20 would be amended to permit a height increase of five feet to permit tall ground-floor ceiling heights in the 40-X and 50-X Height and Bulk Districts in the NC-3 Zoning District along Geary Boulevard from Scott Street to 28th Avenue.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

RECOMMENDATION

The Department recommends that the Commission recommend *approval with modifications* of the proposed Ordinance *with modifications* to include:

- **Remove the Prohibition on Formula Retail Pet Supply Stores.** The Commission has recently considered proposals to add a Formula Retail Pet Supply Store (DBA Pet Food Express) at 3150 California Street and 2460 Lombard Street. The Commission disapproved the proposal at 2460 Lombard Street. In the discussion there was consideration to the proximity of this NC-3 zoned parcel to the nearby Chestnut NCD². The Commission asked the project sponsor to find another location. The project sponsor returned with an application for 3150 California Street which was approved by Motion Number 18139³. An appeal of this decision was filed with the Board of Supervisors. On September 14, 2010 the Board heard the appeal but did not overturn the Commission's decision⁴. With consideration to the Commission's recent actions, it seems that Conditional Use authorizations required for Formula Retail are appropriate as this process allows for either a disapproval or approval as the specific conditions warrant.
- **Modify the controls governing overconcentration of eating and drinking establishments.** The Department recommends amending the control tables to allow one more such facility to be permitted in the Inner Clement District (thereby allowing the third and final establishment to be permitted instead of conditional permitted as envisioned in Ord. 250-07) and to only allow additional facilities by Conditional Use authorization. The Department further recommends

² Specifically, Motion Number 17975 stated, "Because the Lombard Street NC-3 District, the Chestnut Street NC-2 District and the Union Street NCD are so close together, the establishment of a new Formula Retail use on Chestnut Street, Union Street or Lombard Street can affect existing locally-owned businesses in any of these commercial districts."

³ In Motion 18139 the Commission stated that, "The proposed use will provide a development that is necessary and desirable with the surrounding neighborhood. A windshield survey and internet search found no other comparable pet food and supply stores in the immediate vicinity. Further, the proposed use will be located in a space that was previously occupied by a formula retail use (DBA Hollywood Video) and the proposed use is not in conflict with the current character of this section of California Street."

⁴ There were a couple of votes on the appeal. The initial vote to approve the Commission decision failed on a vote of 4-7. The Board would have needed 6 votes to uphold the Commission decision and would have needed 8 votes to overturn the decision. Not having enough votes to either uphold the CU or to overturn the CU the Board voted unanimously to table the item. By tabling the appeal, the Commission decision to approve the CU stands.

allowing new eating and drinking facilities by Conditional Use authorization only in the Outer Clement District.

- **Modify the description of the Outer Clement NCD.** Currently, the description of this district states that new eating and drinking establishments are prohibited. If the Commission approves of the proposed Ordinance, this description should be changed to state that these uses are “regulated to prevent over-concentration”.
- **Amend the NC-3 Zoning Control Table to Permit Video Stores.** While the legislative summary says that the table will be amended to allow Video Stores as a permitted use on the ground floor, the zoning control table has not been amended.
- **If the Board of Supervisors decides not to remove the prohibition on formula retail pet food stores, the definition should be amended.** Currently the definition of “pet supply store” in the draft Ordinance would include a retail use which “sells pet food, toys, apparatus, and similar pet items”. As written this definition would capture any retail use which sells any amount of pet supplies, this should be amended so that only stores which dedicate the majority of the occupied floor space to such sales. Without this change, pharmacies, discount stores, even corner stores may be prohibited by the proposed Ordinance.
- **The Commission should consider amending the General Plan.** The General Plan states that eating and drinking establishments should be reviewed if concentration levels are more than 20% and should be prohibited if these levels exceed 25%. The proposed legislation would establish a new threshold of 30% for the district. If the Commission believes that the existing controls are out dated, the Department recommends initiating amendments to the General Plan.

BASIS FOR RECOMMENDATION

Overall Recommendation. On balance, the legislation before the Commission is consistent with recent Commission actions. The proposal would allow for a height bonus in association for active uses. The Commission has generally supported expansions of this control⁵. Adding this small increment of height, would allow for a more generous ground floor without increasing the number of floors that could be built. This would improve the urban design at the pedestrian level on Geary Boulevard, a street that is in need of more pedestrian amenities. Regarding the proposal to allow Video Stores without a Conditional Use authorization, the Department anticipates that this will have minimal effect due to the decline of this industry. Any Video Store that was also a Formula Retail store would still require a Conditional Use authorization in this area. The Department supports the Supervisor’s efforts to remove the prohibition on Large Fast-Food (§790.90) restaurants. Controlling large chain fast-food restaurants in NCDs was difficult and inconsistent prior to the addition of Formula Retail Controls to the Planning Code in 2004⁶.

⁵ The Commission has supported proposals to extend the 5-foot height bonus in their review of Board File Numbers 090319 (District 11) and 101464 (Upper Market). In review of the 2008 proposal contained in Board File Number 08-1100 (Mission Street) , the Commission took no action.

⁶ The first Formula Retail controls established in 2004 in San Francisco applied only to the Hayes-Gough NCD by Ord. 62-04. Since that time, these controls have been expanded to regulate Formula Retail uses in all NC Districts; the Japantown and Western SoMa SUDS; the Urban Mixed Use, Mixed Use-General, Residential Transit-Oriented, and Chinatown Visitor Retail districts; as well as the Residential Commercial districts. Most recently, Ord 63-11 added RC-3, RC-4, RH, RM, RTO, and RED Districts to the list of districts that require Conditional Use authorization. See

Now all Formula Retail establishments in this area would require a Conditional Use hearing before the Planning Commission, even if there is already a formal retail business in the existing space.

Issues of Overconcentration. Perhaps the most complicated portion of the Ordinance is the proposal to allow eating and drinking uses as “principally permitted” uses in the Inner Clement and Outer Clement Neighborhood Commercial Districts *if* the total street frontage dedicated to such uses does not exceed 30% *and* as “conditionally permitted” uses if the total street frontage dedicated to such uses exceeds 30%. Currently the General Plan relies on more conservative thresholds to determine if there is an over-concentration of Eating and Drinking establishments. Some of the thresholds currently in the General Plan include the following:

- The balance of commercial uses may be threatened when eating and drinking establishments occupy **more than 20% of the total occupied commercial frontage** (*emphasis added*). Proposals for eating and drinking establishments which would increase the proportion of total occupied commercial frontage above 20% should be reviewed to ensure that they would not reduce the variety of neighborhood-serving uses; nor create substantial noise, traffic, parking problems, or other nuisances in the district or surrounding neighborhood. Those establishments that would do the above should not be permitted.
- Except in districts with an established pattern of service to a broad market, such as North Beach, such establishments **should not occupy more than 25% of the total commercially-occupied frontage in a district** (*emphasis added*).
- To minimize the problems they can create, eating and drinking uses **should generally be at least 100 feet apart** (*emphasis added*) from each other, unless there are factors making clustering of uses appropriate. For example, a configuration of clustered eating and drinking uses where off-street parking is shared might be more appropriate than an even distribution of such establishments.

Determining the total occupied commercial frontage is not as straight-forward nor as accurate of a calculation as it may initially seem. The Department is able to conduct this review in preparation for hearings before the Commission, however, it is difficult and time-consuming to perform this calculation. Project sponsors would now be tasked with making lease decisions without a clear understanding of the entitlement process that lies ahead. Applicants should have clear expectations as to whether their project would necessitate a hearing. If this legislation were adopted, the applicant who erroneously estimates the total street frontage dedicated to eating and drinking uses as being under the threshold may be shocked to learn that the Department has reached a different conclusion and would require a hearing before the Commission. In addition, the “street frontage dedicated to eating and drinking” may be a misleading indicator of overconcentration if there are large restaurants that have a small street frontage but expand behind the frontage. (Neither of these districts allow eating or drinking above the ground floor either under existing or proposed controls, however, if this control were expanded to other districts Eating and Drinking square footage above the ground floor would not be included in calculations of overconcentration.)

Existing Concentration Levels. The Inner and Outer Clement districts span 12 and 10 blocks respectively. The Department surveys districts to determine concentration levels only when new applicants seek entitlements for eating and drinking establishments. Since the Outer Clement currently

also Ordinance Numbers 62-04, 8-05, 65-05, 173-05, 204-06, 180-06, 0269-08, 0298-08, 0301-08, 304-08 and the 2007 Voter’s Initiative, Proposition G.

prohibits new such establishments no survey has been completed recently. The most recent survey for the Inner Clement District was done in concert with a 2011 review of a Full-Service Restaurant for 626 Clement Street. In this case, the survey found that existing eating and drinking establishments were estimated at around 33%. Specifically, Commission Motion Number 18282 states:

“Based on a site survey of the Inner Clement Street NCD conducted by Planning staff, it is estimated that **1/3 of the frontage of the NCD is occupied by eating and drinking establishments** (emphasis added). Although this concentration exceeds the 20% threshold indicated in the Commerce and Industry Element of the General Plan, the 2007 Ordinance No. 250-07 was enacted to permit 3 new full-service restaurants or wine and/or beer bars at the ground level to occupy some of the vacant commercial tenant space within the Inner Clement Street NCD; this would allow the character of the neighborhood to evolve with the gradual shift in the City-wide economy, which has led to closures of some neighborhood retail establishments along Inner Clement Street.”

Given that the existing concentration of eating and drinking establishments is near or over 30% for the Inner Clement district, it seems appropriate to amend the Ordinance currently before the Commission so that it would allow the additional restaurants envisioned in Ordinance Number 250-07 without Conditional Use but to not allow new restaurants *unless* either the new establishment receives a CU from the Commission *or* if existing eating and drinking establishments were to close. This modification would achieve the concentration levels sought by the Supervisor Mar and it would add certainty for members of the public and potential applicants. Since the Outer Clement district has had a prohibition on new such uses for some time, the Department does not have a recent survey of concentration levels for this district. Therefore, the Department recommends amending the Ordinance before you so that it only allows new eating and drinking establishments in the Outer Clement District by Conditional Use authorization, until more is known about the current concentration levels of such uses.

ENVIRONMENTAL REVIEW

The proposed amendments to the Planning Code are exempt from environmental review under a General Rule Exclusion.

PUBLIC COMMENT

As of the date of this report, the Department has received no comment on the proposal.

RECOMMENDATION: Recommendation of Approval with Modifications

Exhibit A: Draft Planning Commission Resolution
Exhibit B: Board of Supervisors File No. 11-0590



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Resolution

HEARING DATE: JULY 14, 2011

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Project Name: **Inner and Outer Clement NCD and Geary Subdistrict Controls**
Case Number: 2011.0639T [Board File No. 11-0590/previously 11-0279]
Initiated by: Supervisor Mar: Introduced June 14, 2011/March 8, 2011
Staff Contact: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395
Reviewed by: David Lindsay, Team Leader NW Quadrant

Recommendation: **Recommend Approval with Modifications**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE WITH MODIFICATIONS THAT WOULD AMEND PLANNING CODE SECTIONS 263.20, 712.1, 716.1, AND 781.4 TO: 1) ALLOW EATING AND DRINKING USES AS PRINCIPALLY PERMITTED USES IN THE INNER CLEMENT AND OUTER CLEMENT NEIGHBORHOOD COMMERCIAL DISTRICTS IF THE TOTAL STREET FRONTAGE DEDICATED TO SUCH USES DOES NOT EXCEED 30% AND AS CONDITIONALLY PERMITTED USES IF THE TOTAL STREET FRONTAGE DEDICATED TO SUCH USES EXCEEDS 30%; 2) REMOVE THE PROHIBITION ON LARGE FAST-FOOD RESTAURANTS AND PROHIBIT FORMULA RETAIL PET SUPPLY STORES AND FORMULA RETAIL EATING AND DRINKING ESTABLISHMENTS IN THE GEARY BOULEVARD FAST-FOOD SUBDISTRICT; 3) MAKE VIDEO STORES A PRINCIPALLY PERMITTED USE ON THE GROUND FLOOR IN THE NC-3 AND THE INNER CLEMENT AND OUTER CLEMENT NEIGHBORHOOD COMMERCIAL DISTRICTS; 4) PERMIT A HEIGHT INCREASE OF FIVE FEET TO PERMIT TALL GROUND-FLOOR CEILING HEIGHTS IN THE 40-X AND 50-X HEIGHT AND BULK DISTRICTS IN THE NC-3 ZONING DISTRICT ALONG GEARY BOULEVARD FROM SCOTT STREET TO 28TH AVENUE, ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.

WHEREAS, on March 8, 2011, Supervisor Mar introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 11-0279 which would amend Section 781.4 of the San Francisco Planning Code (hereinafter "Code") to prohibit formula retail pet supply stores, as defined, in the Geary Boulevard Fast-Food Subdistrict and amend the name of the Subdistrict to reflect this new prohibited use.

WHEREAS, on March 8, 2011, Supervisor Mar introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 11-0279 which would amend Code Sections 263.20, 712.1, 716.1, and 781.4 as described above;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on July 14, 2011; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c); and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors **approve with modifications** the proposed ordinance. Specifically, the Commission recommends the following modifications:

- **Remove the Prohibition on Formula Retail Pet Supply Stores.** The Commission has recently considered proposals to add a Formula Retail Pet Supply Store (DBA Pet Food Express) at 3150 California Street and 2460 Lombard Street. The Commission disapproved the proposal at 2460 Lombard Street. In the discussion there was consideration to the proximity of this NC-3 zoned parcel to the nearby Chestnut NCD¹. The Commission asked the project sponsor to find another location. The project sponsor returned with an application for 3150 California Street which was approved by Motion Number 18139². An appeal of this decision was filed with the Board of Supervisors. On September 14, 2010 the Board heard the appeal but did not overturn the Commission's decision³. With consideration to the Commission's recent actions, it seems that Conditional Use authorizations required for Formula Retail are appropriate as this process allows for either a disapproval or approval as the specific conditions warrant.
- **Modify the controls governing overconcentration of eating and drinking establishments.** The Department recommends amending the control tables to allow one more such facility to be

¹ Specifically, Motion Number 17975 stated, "Because the Lombard Street NC-3 District, the Chestnut Street NC-2 District and the Union Street NCD are so close together, the establishment of a new Formula Retail use on Chestnut Street, Union Street or Lombard Street can affect existing locally-owned businesses in any of these commercial districts."

² In Motion 18139 the Commission stated that, "The proposed use will provide a development that is necessary and desirable with the surrounding neighborhood. A windshield survey and internet search found no other comparable pet food and supply stores in the immediate vicinity. Further, the proposed use will be located in a space that was previously occupied by a formula retail use (DBA Hollywood Video) and the proposed use is not in conflict with the current character of this section of California Street."

³ There were a couple of votes on the appeal. The initial vote to approve the Commission decision failed on a vote of 4-7. The Board would have needed 6 votes to uphold the Commission decision and would have needed 8 votes to overturn the decision. Not having enough votes to either uphold the CU or to overturn the CU the Board voted unanimously to table the item. By tabling the appeal, the Commission decision to approve the CU stands.

permitted in the Inner Clement District (thereby allowing the third and final establishment to be permitted instead of conditional permitted as envisioned in Ord. 250-07) and to only allow additional facilities by Conditional Use authorization. The Department further recommends allowing new eating and drinking facilities by Conditional Use authorization only in the Outer Clement District.

- **Modify the description of the Outer Clement NCD.** Currently, the description of this district states that new eating and drinking establishments are prohibited. If the Commission approves of the proposed Ordinance, this description should be changed to state that these uses are “regulated to prevent over-concentration”.
- **Amend the NC-3 Zoning Control Table to Permit Video Stores.** While the legislative summary says that the table will be amended to allow Video Stores as a permitted use on the ground floor, the zoning control table has not been amended.
- **If the Board of Supervisors decides not to remove the prohibition on formula retail pet food stores, the definition should be amended.** Currently the definition of “pet supply store” in the draft Ordinance would include a retail use which “sells pet food, toys, apparatus, and similar pet items”. As written this definition would capture any retail use which sells any amount of pet supplies, this should be amended so that only stores which dedicate the majority of the occupied floor space to such sales. Without this change, pharmacies, discount stores, even corner stores may be prohibited by the proposed Ordinance.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. Adding the height bonus for active retail on a portion of Geary Boulevard represents a small increase in height that would allow for a more generous ground floor without increasing the number of floors that could be built. This would improve the urban design at the pedestrian level on Geary Boulevard, a street that is in need of more pedestrian amenities.
2. Regarding the proposal to allow Video Stores without a Conditional Use authorization, the Commission anticipates that this will have minimal effect due to the decline of this industry. Any Video Store that was also a Formula Retail store would still require a Conditional Use authorization in this area.
3. The Commission supports the Supervisor’s efforts to remove the prohibition on Large Fast-Food (\$790.90) restaurants. Controlling large chain fast-food restaurants in NCDs was difficult and inconsistent prior to the addition of Formula Retail Controls to the Planning Code in 2004 . Now all Formula Retail establishments in this area would require a Conditional Use hearing before the Planning Commission, even if there is already a formal retail business in the existing space.
4. Regarding the proposal to regulate overconcentration of eating and drinking establishments in this area, as the Commission notes that the existing concentration of eating and drinking establishments is currently near or over 30% for the Inner Clement district, it seems appropriate to amend the Ordinance so that it would allow the additional restaurants envisioned in Ordinance Number 250-07 without Conditional Use but to not allow new restaurants unless either the new establishment receives a CU from the Commission or if existing eating and drinking establishments were to close. This modification would achieve the concentration levels

sought by the Supervisor Mar and it would add certainty for members of the public and potential applicants. Since the Outer Clement district has had a prohibition on new such uses for some time, the Department does not have a recent survey of concentration levels for this district. Therefore, the Department recommends amending the Ordinance before you so that it only allows new eating and drinking establishments in the Outer Clement District by Conditional Use authorization, until more is known about the current concentration levels of such uses.

5. **General Plan Compliance.** The proposed Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan:

I. COMMERCE & INDUSTRY ELEMENT

THE COMMERCE AND INDUSTRY ELEMENT OF THE GENERAL PLAN SETS FORTH OBJECTIVES AND POLICIES THAT ADDRESS THE BROAD RANGE OF ECONOMIC ACTIVITIES, FACILITIES, AND SUPPORT SYSTEMS THAT CONSTITUTE SAN FRANCISCO'S EMPLOYMENT AND SERVICE BASE.

GOALS

THE THREE GOALS OF THE COMMERCE AND INDUSTRY ELEMENT OF THE GENERAL PLAN RELATE TO CONTINUED ECONOMIC VITALITY, SOCIAL EQUITY, AND ENVIRONMENTAL QUALITY.

OBJECTIVE 1

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT

OBJECTIVE 6

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1:

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

POLICY 6.2

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society.

POLICY 6.4

Encourage the location of neighborhood shopping areas throughout the city so that essential retail goods and personal services are accessible to all residents.

POLICY 6.10

Promote neighborhood commercial revitalization, including community-based and other economic development efforts where feasible.

The Ordinance and the modifications recommended by the Planning Commission will strengthen the neighborhood commercial districts vitality while protecting existing neighborhood-serving uses. The proposed Ordinance and modifications would provide enhanced opportunities for employment of neighborhood residents.

8. Planning Code Section 101 Findings. The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

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

The proposed amendments will encourage retention of neighborhood-serving retail uses while providing opportunities for employment in or ownership of such businesses in the City by making it easier for new restaurants to open and operate.

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

The proposed amendments will not have an impact on housing in Neighborhood Commercial Districts. Controls are in place in section 317 of the Planning Code that severely restricts the conversion of housing units to commercial units.

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

The proposed amendments will have no adverse effect on the City's supply of affordable housing.

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

The proposed amendments will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

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

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

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

Preparedness against injury and loss of life in an earthquake is unaffected by the proposed amendments. Any new construction or alteration associated with a use would be executed in

compliance with all applicable construction and safety measures.

7. That the landmarks and historic buildings be preserved;

Landmarks and historic buildings would be unaffected by the proposed amendments. Should a proposed use be located within a landmark or historic building, such site would be evaluated under Planning Code provisions and comprehensive Planning Department policies.

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

The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed amendments. The opportunity for a height bonus on Geary Street in conjunction with active ground floor uses would not relieve future projects from the requirements of Prop K.

- 8. Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance with modifications as described in this Resolution and in the proposed Ordinance with the modification outlined above.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on July 14, 2011.

Linda D. Avery
Commission Secretary

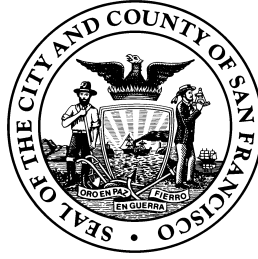
AYES:

NOES:

ABSENT:

ADOPTED:

BOARD of SUPERVISORS



City Hall
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TDD/TTY No. 554-5227

June 28, 2011

Planning Commission
Attn: Linda Avery
1660 Mission Street, 5th Floor
San Francisco, CA 94103

Dear Commissioners:

On June 14, 2011, Supervisor Mar introduced the following proposed legislation, which substitutes File No. 110279 (previously referred to you on March 30, 3011):

File No. 110592

Ordinance amending the San Francisco Planning Code Sections 263.20, 712.1, 716.1, and 781.4 to: 1) allow eating and drinking uses as principally permitted uses in the Inner Clement and Outer Clement Neighborhood Commercial Districts if the total street frontage dedicated to such uses does not exceed 30% and as conditionally permitted uses if the total street frontage dedicated to such uses exceeds 30%; 2) remove the prohibition on large fast-food restaurants and prohibit formula retail pet supply stores and formula retail eating and drinking establishments in the Geary Boulevard Fast-Food Subdistrict; 3) make video stores a principally permitted use on the ground floor in the NC-3 and the Inner Clement and Outer Clement Neighborhood Commercial Districts; 4) permit a height increase of five feet to permit tall ground-floor ceiling heights in the 40-X and 50-X Height and Bulk Districts in the NC-3 Zoning District along Geary Boulevard from Scott Street to 28th Avenue; and 5) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

The proposed ordinance is being transmitted pursuant to Planning Code Section 302(b) for public hearing and recommendation. The ordinance is pending before the Land Use & Economic Development Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Somera".

By: Alisa Somera, Committee Clerk
Land Use & Economic Development Committee

Attachment

- c: John Rahaim, Director of Planning
- Scott Sanchez, Zoning Administrator
- Bill Wycko, Chief, Major Environmental Analysis
- AnMarie Rodgers, Legislative Affairs
- Nannie Turrell, Major Environmental Analysis
- Brett Bollinger, Major Environmental Analysis

1 [Planning Code - Inner Clement, Outer Clement, and Geary Neighborhood Commercial
2 Controls]

3 **Ordinance amending the San Francisco Planning Code Sections 263.20, 712.1, 716.1,**
4 **and 781.4 to: 1) allow eating and drinking uses as principally permitted uses in the**
5 **Inner Clement and Outer Clement Neighborhood Commercial Districts if the total street**
6 **frontage dedicated to such uses does not exceed 30% and as conditionally permitted**
7 **uses if the total street frontage dedicated to such uses exceeds 30%; 2) remove the**
8 **prohibition on large fast-food restaurants and prohibit formula retail pet supply stores**
9 **and formula retail eating and drinking establishments in the Geary Boulevard Fast-**
10 **Food Subdistrict; 3) make video stores a principally permitted use on the ground floor**
11 **in the NC-3 and the Inner Clement and Outer Clement Neighborhood Commercial**
12 **Districts; 4) permit a height increase of five feet to permit tall ground-floor ceiling**
13 **heights in the 40-X and 50-X Height and Bulk Districts in the NC-3 Zoning District along**
14 **Geary Boulevard from Scott Street to 28th Avenue; and 5) making environmental**
15 **findings, Planning Code Section 302 findings, and findings of consistency with the**
16 **General Plan and the Priority Policies of Planning Code Section 101.1.**

17 NOTE: Additions are *single-underline italics Times New Roman*;
18 deletions are ~~*strike-through italics Times New Roman*~~.
19 Board amendment additions are double-underlined;
Board amendment deletions are ~~strikethrough normal~~.

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

21 Section. 1. **General Findings.**

22 (a) The Planning Department has determined that the actions contemplated in this
23 ordinance comply with the California Environmental Quality Act (California Public Resources
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1 Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of
2 Supervisors in File No. _____ and is incorporated herein by reference.

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

8 (c) This Board finds that these Planning Code amendments are consistent with the
9 General Plan and with the Priority Policies of Planning Code Section 101.1 for the reasons set
10 forth in Planning Commission Resolution No. _____, and the Board hereby
11 incorporates such reasons herein by reference.

12 Section 2. **Specific Findings.**

13 (a) As the main commercial corridors of the Richmond District, Geary Boulevard
14 and Clement Street support a diverse and vibrant neighborhood with businesses that provide
15 a mix and variety of goods and services to the Richmond neighborhood and City residents,
16 including many small, locally owned businesses.

17 (b) Small, locally owned businesses provide a majority of jobs to San Francisco
18 residents.

19 (c) Fostering, promoting and retaining small businesses is a policy priority of the
20 City of San Francisco, as evidenced by the approval in November 1986 by the voters of
21 Proposition M, now codified as Planning Code Section 101.1 and known as the City's Priority
22 Policies, which call, inter alia, for the preservation of existing neighborhood serving retail.

23 (d) The approval, in November 2003 by the voters of Proposition D, which created a
24 Chartered Small Business Commission (SBC) to oversee the Office of Small Business (OSB),
25

1 also demonstrates the City's interest in preserving and promoting small, neighborhood serving
2 businesses.

3 (e) There are four small, locally owned neighborhood serving pet supply stores
4 within easy walking distance of the Geary Boulevard between 14th Avenue and 28th Avenue,
5 constituting a local neighborhood serving industry.

6 (f) There are many well established, locally owned neighborhood serving eating
7 and drinking establishments which help define the unique character of the Richmond District.

8 (g) The proliferation of formula retail uses, including eating and drinking uses and
9 pet supply stores, aggravates parking and traffic congestion in this District by promoting car
10 trips from outside the District to destination retail locations.

11 (h) An increase in the height limits along Geary Boulevard would be consistent with
12 development patterns in other commercial corridors of the City, and would create incentives to
13 use space more efficiently, particularly commercial space on the ground floor.

14 Section 3. The San Francisco Planning Code is hereby amended by amending Section
15 263.20, to read as follows:

16 **SEC. 263.20. SPECIAL HEIGHT EXCEPTION: ADDITIONAL FIVE FEET HEIGHT FOR**
17 **GROUND FLOOR USES IN ~~NCT~~ 40-X AND 50-X HEIGHT AND BULK DISTRICTS, IN NCT**
18 **~~DISTRICTS NC-2 AND NC-3 DESIGNATED PARCELS FRONTING MISSION STREET, FROM~~**
19 **~~SILVER AVENUE TO THE DALY CITY BORDER, AND IN SPECIFIED NC-1 DESIGNATED~~**
20 **~~PARCELS AND IN SPECIFIED NC DISTRICTS.~~**

21 (a) **Intent.** In order to encourage generous ground floor ceiling heights for commercial
22 and other active uses, encourage additional light and air into ground floor spaces, allow for
23 walk-up ground floor residential uses to be raised slightly from sidewalk level for privacy and
24 usability of front stoops, and create better building frontage on the public street, up to an
25 additional 5' of height is allowed along major streets in NCT districts, or in specific NC-3, NC-

1 2, or NC-1 districts listed below, for buildings that feature either higher ground floor ceilings for
2 non-residential uses or ground floor residential units (that have direct walk-up access from the
3 sidewalk) raised up from sidewalk level.

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

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

8 (2) project is located:

9 (A) in an NCT district as designated on the Zoning Map;

10 (B) in the Upper Market Street NCD;

11 (C) ~~in~~ on a NC-2 or NC-3 designated parcel fronting Mission Street, from Silver Avenue
12 to the Daly City border; ~~or~~

13 (D) on a NC-3 designated parcel fronting on Geary Boulevard from Scott Street to 28th
14 Avenue; or

15 (E) on a NC-1 designated parcel ~~with a commercial use on the ground floor~~ within the
16 boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to
17 Farallones Street to San Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph
18 Street to Monticello Street and back to Sargent Street.

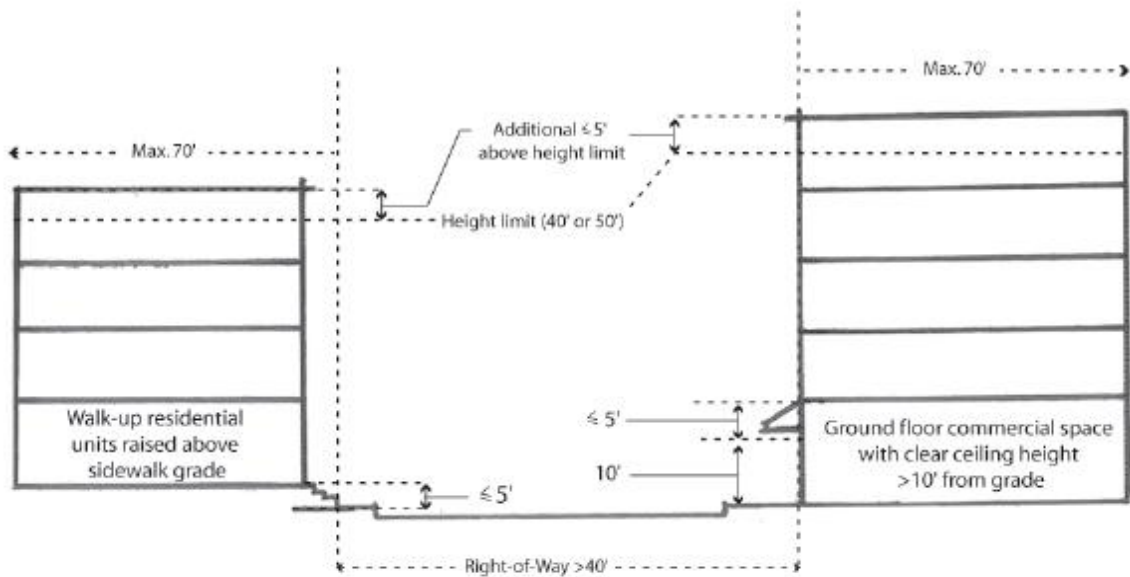
19 (3) project features ground floor commercial space or other active use as defined by
20 Section 145.1(b)(2) with clear ceiling heights in excess of ten feet from sidewalk grade, or in
21 the case of residential uses, such walk-up residential units are raised up from sidewalk level;

22 (4) said ground floor commercial space, active use, or walk-up residential use is
23 primarily oriented along a right-of-way wider than 40 feet;

24 (5) said ground floor commercial space or active use occupies at least 50% of the
25 project's ground floor area; and

1 (6) except for projects located in NCT districts, the project sponsor has conclusively
 2 demonstrated that the additional 5' increment allowed through Section 263.20 would not add
 3 new shadow to any public open spaces.

4 (c) One additional foot of height, up to a total of five feet, shall be permitted above the
 5 designated height limit for each additional foot of ground floor clear ceiling height in excess of
 6 10 feet from sidewalk grade, or in the case of residential units, for each foot the unit is raised
 7 above sidewalk grade.



18
 19 Section 4. The San Francisco Planning Code is hereby amended by amending Section
 20 712, to read as follows:

21 **SEC. 712. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-3**

22 **ZONING CONTROL TABLE**

			NC-3
No.	Zoning Category	§	Controls

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		References	
BUILDING STANDARDS			
712.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250 – 252, 260, 263.20, 270, 271	Generally, 40-X See Zoning Map; additional 5 feet for NC-3 parcels with active uses along Mission Street, from Silver Avenue to the Daly City Border, <u>and on Geary Boulevard from Scott Street to 28th Avenue;</u> see § 263.20.
712.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above § 121.1
712.12	Rear Yard	§§ 130, 134, 136	Required at residential levels only § 134(a)(e)
712.13	Street Frontage		Required § 145.1
712.14	Awning	§ 790.20	P § 136.1 (a)
712.15	Canopy	§ 790.26	P § 136.1 (b)

1	712.16	Marquee	§ 790.58	P § 136.1 (c)
2				
3	712.17	Street Trees		Required § 143
4				
5	COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
6				
7	712.20	Floor Area Ratio	§§ 102.9, 102.11, 123	3.6 to 1 § 124(a) (b)
8				
9	712.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 5,999 sq. ft.; C 6,000 sq. ft. & above § 121.2
10				
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12				
13	712.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153 - 157, 159, 160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
14				
15				
16				
17	712.23	Off-Street Freight Loading	§§ 150, 153 – 155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
18				
19				
20				
21	712.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
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24	712.25	Drive-Up Facility	§ 790.30	#
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712.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2 (b)		
712.27	Hours of Operation	§ 790.48	No Limit		
712.30	General Advertising Sign	§§ 262, 602 – 604, 608, 609	P # § 607.1(e)2		
712.31	Business Sign	§§ 262, 602 – 604, 608, 609	P # § 607.1(f)3		
712.32	Other Signs	§§ 262, 602 – 604, 608, 609	P # § 607.1(c) (d) (g)		
	Zoning	§	NC-3		
No.	Category	References	Controls by Story		
		§ 790.118	1st	2nd	3rd+
712.38	Residential Conversion	§ 790.84	P	C	C #
712.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
712.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P #	P #	P #

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712.41	Bar	§ 790.22	P	P	
712.42	Full-Service Restaurant	§ 790.92	P	P	
712.43	Large Fast Food Restaurant	§ 790.90	C #	C #	
712.44	Small Self-Service Restaurant	§ 790.91	P #	P #	
712.45	Liquor Store	§ 790.55			
712.46	Movie Theater	§ 790.64	P	P	
712.47	Adult Entertainment	§ 790.36	C	C	
712.48	Other Entertainment	§ 790.38	P	P	
712.49	Financial Service	§ 790.110	P	P	
712.50	Limited Financial Service	§ 790.112	P	P	
712.51	Medical Service	§ 790.114	P	P	P
712.52	Personal Service	§ 790.116	P	P	P
712.53	Business or Professional Service	§ 790.108	P	P	P
712.54	Massage Establishment	§ 790.60, § 1900 Health	C	C	

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		Code			
712.55	Tourist Hotel	§ 790.46	C	C	C
712.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
712.57	Automobile Gas Station	§ 790.14	C		
712.58	Automotive Service Station	§ 790.17	C		
712.59	Automotive Repair	§ 790.15	C	C	
712.60	Automotive Wash	§ 790.18	C		
712.61	Automobile Sale or Rental	§ 790.12	C		
712.62	Animal Hospital	§ 790.6	C	C	
712.63	Ambulance Service	§ 790.2	C		
712.64	Mortuary	§ 790.62	C	C	C
712.65	Trade Shop	§ 790.124	P	C	C
712.66	Storage	§ 790.117	C	C	C
712.67	Video Store	§ 790.135	C	C	C
712.68	Fringe Financial Service	§ 790.111	P#		

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712.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
712.69A	Self-Service Specialty Food	§ 790.93	P#	P#	
712.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04	C		
712.69C	Neighborhood Agriculture	§ 102.35 (a)	P	P	P
712.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
Institutions and Non-Retail Sales and Services					
712.70	Administrative Service	§ 790.106	C	C	C
712.80	Hospital or Medical Center	§ 790.44	C	C	C
712.81	Other Institutions, Large	§ 790.50	P	P	P
712.82	Other Institutions, Small	§ 790.51	P	P	P

1	712.83	Public Use	§ 790.80	C	C	C
2	712.84	Medical Cannabis	§ 790.141	P #		
3		Dispensary				
4	RESIDENTIAL STANDARDS AND USES					
5	712.90	Residential Use	§ 790.88	P	P	P
6	712.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area § 207.4		
7	712.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208		
8	712.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)		
9	712.94	Off-Street Parking, Residential	§§ 150, 153 - 157, 159 - 160, 204.5	Generally, 1 space for each dwelling unit §§ 151. 161(a) (g)		
10	712.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR NC-3 DISTRICTS

Article 7	Other	Zoning Controls
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Code Section	Code Section	
§ 712.25 § 712.40	§ 249.14	<p style="text-align: center;">THIRD STREET SPECIAL USE DISTRICT</p> <p>Boundaries: Applicable only to the portion of the Third Street SUD as shown on Sectional Map 10 SU zoned NC-3</p> <p>Controls: Off-sale retail liquor sales as defined in Section 249.14(b)(1)(A) are NP; drive-up facilities for large fast-food restaurants, small self-service restaurants and self-service specialty food are C</p>
§ 712.10 § 207.4 § 712.22 § 712.12	§ 790.4	<p style="text-align: center;">MISSION-HARRINGTON SPECIAL USE DISTRICT</p> <p>Boundaries: Applicable only to the Mission-Harrington SUD, as shown on Sectional Map SU11.</p> <p>Controls: Height 56-X; one unit allowed for every 400 square feet of lot area; no parking requirements; no rear setback requirements.</p>
§ 712.30 § 712.31 § 712.32	§ 608.10	<p style="text-align: center;">UPPER MARKET STREET SPECIAL SIGN DISTRICT</p> <p>Boundaries: Applicable only for the portion of the Market Street NC-3 District from Octavia to Church Streets as mapped on Sectional Map SSD</p> <p>Controls: Special restrictions and limitations for signs</p>
§ 712.38	§ 790.84	<p>Boundaries: Applicable to NC-3 Districts</p> <p>Controls: A residential use may be converted to an Other Institution, Large, use, as defined by Section 790.50 of this</p>

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		Code, as a conditional use on the third story and above if in addition to the criteria set forth in Section 303, the Commission finds that: (1) The structure in which the residential use is to be converted has been found eligible for listing on the National Register of Historic Places; (2) The proposed Other Institution, Large, use is to be operated by a nonprofit public benefit corporation; and (3) No legally residing residential tenants will be displaced.
§ 712.43	§ 781.4	GEARY BOULEVARD FAST-FOOD <u>FORMULA RETAIL</u> <u>PET SUPPLY STORE</u> SUBDISTRICT Boundaries: Applicable only for the portion of the Geary Boulevard NC-3 District between 14th and 28th Avenues as mapped on Sectional Maps 3 SU and 4 SU Controls: <i>Formula Retail pet supply stores Large fast-food restaurants</i> are NP
§ 712.43 § 712.44 § 712.69A	§ 781.5	MISSION STREET FAST-FOOD SUBDISTRICT Boundaries: Applicable only for the portion of the Mission Street NC-3 District between 15th Avenue <u>Street</u> and Randall Street as mapped on Sectional Map 7 SU Controls: Small self-service restaurants and self-service specialty food are C; large fast-food restaurants are NP
§ 712.45	§ 781.10	17TH AND RHODE ISLAND STREET GROCERY STORE SPECIAL USE SUBDISTRICT.

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		<p>Boundaries: Applicable only for the block bound by 17th, Rhode Island, Mariposa and Kansas Streets as mapped on Sectional Map 8 SU</p> <p>Controls: One liquor store on the first or second story is C if operated as integral element of a grocery store of not less than 30,000 gross square feet. Nighttime Entertainment uses are not permitted.</p>
§ 712.68	§ 249.35	<p>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</p> <p>Boundaries: The FFSRUD and its ¼ mile buffer includes, but is not limited to, properties within: the Mission Alcoholic Beverage Special Use District; the Haight Street Alcohol Restricted Use District; the Third Street Alcohol Restricted Use District; the Divisadero Street Alcohol Restricted Use District; the North of Market Residential Special Use District and the Assessor's Blocks and Lots fronting on both sides of Mission Street from Silver Avenue to the Daly City borders as set forth in Special Use District Maps SU11 and SU12; and includes Moderate-Scale Neighborhood Commercial Districts within its boundaries.</p> <p>Controls: Within the FFSRUD and its ¼ mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its ¼ mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</p>
§ 712.84	Health	Medical cannabis dispensaries in NC-3 District may only

§ 790.141	Code	operate between the hours of 8 a.m. and 10 p.m.
	§ 3308	

Section 5. The San Francisco Planning Code is hereby amended by amending Section 716.1, to read as follows:

SEC. 716.1. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

The Inner Clement Street Commercial District is located on Clement Street between Arguello Boulevard and Funston Avenue in the eastern portion of the Richmond District of northwest San Francisco. The district provides a wide selection of convenience goods and services for the residents of the Inner Richmond neighborhood. Inner Clement Street has one of the greatest concentrations of restaurants of any commercial street in San Francisco, drawing customers from throughout the City and region. There are also a significant number of professional, realty, and business offices as well as financial institutions. The pleasant pedestrian character of the district is derived directly from the intensely active retail frontage on Clement Street.

The Inner Clement Street District controls are designed to promote development that is consistent with its existing land use patterns and to maintain a harmony of uses that supports the district's vitality. The building standards allow small-scale buildings and uses, protecting rear yards above the ground story and at residential levels. In new development, most commercial uses are permitted at the first two stories, although certain limitations apply to uses at the second story. Special controls are necessary to preserve the equilibrium of neighborhood-serving convenience and comparison shopping businesses and protect adjacent residential livability. These controls prohibit additional financial service and limit additional eating and drinking establishments, late-night commercial uses and ground-story

entertainment uses. In order to maintain the street's active retail frontage, controls also prohibit most new automobile and drive-up uses.

Housing development is encouraged in new buildings above the ground story. Existing residential units are protected by prohibitions on upper-story conversions and limitations on demolitions.

SEC. 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE

			Inner Clement Street
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
716.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250 – 252, 260, 270, 271	40-X
716.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
716.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a) (e)
716.13	Street Frontage		Required § 145.1

1	716.14	Awning	§ 790.20	P § 136.1(a)
2				
3	716.15	Canopy	§ 790.26	P § 136.1(b)
4				
5	716.16	Marquee	§ 790.58	P § 136.1(c)
6				
7	716.17	Street Trees		Required § 143
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10	COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
11				
12	716.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124(a) (b)
13				
14	716.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above § 121.2
15				
16				
17	716.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153 - 157, 159 - 160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
18				
19				
20				
21	716.23	Off-Street Freight Loading	§§ 150, 153 - 155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
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716.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2 (a)		
716.25	Drive-Up Facility	§ 790.30			
716.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2 (b)		
716.27	Hours of Operation	§ 790.48	P 6 a.m. - 2 a.m.; C 2 a.m. - 6 a.m.		
716.30	General Advertising Sign	§§ 262, 602 - 604, 608, 609			
716.31	Business Sign	§§ 262, 602 - 604, 608, 608	P § 607.1(f)2		
716.32	Other Signs	§§ 262, 602 - 604, 608, 609	P § 607.1(c) (d) (g)		
No.	Zoning Category	§ References	Inner Clement Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
716.38	Residential Conversion	§ 790.84	P		
716.39	Residential Demolition	§ 790.86	P	C	C

Retail Sales and Services					
716.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P	C	
716.41	Bar	§ 790.22	C#		
716.42	Full-Service Restaurant	§ 790.92	C#		
716.43	Large Fast Food Restaurant	§ 790.90	<u>C#</u>		
716.44	Small Self-Service Restaurant	§ 790.91	<u>C#</u>		
716.45	Liquor Store	§ 790.55	C		
716.46	Movie Theater	§ 790.64	P		
716.47	Adult Entertainment	§ 790.36			
716.48	Other Entertainment	§ 790.38	C		
716.49	Financial Service	§ 790.110			
716.50	Limited Financial Service	§ 790.112	C		
716.51	Medical Service	§ 790.114	P	C	
716.52	Personal Service	§ 790.116	P	C	
716.53	Business or Professional Service	§ 790.108	P	C	

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716.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
716.55	Tourist Hotel	§ 790.46	C	C	
716.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
716.57	Automotive Gas Station	§ 790.14			
716.58	Automotive Service Station	§ 790.17			
716.59	Automotive Repair	§ 790.15			
716.60	Automotive Wash	§ 790.18			
716.61	Automobile Sale or Rental	§ 790.12			
716.62	Animal Hospital	§ 790.6	C		
716.63	Ambulance Service	§ 790.2			
716.64	Mortuary	§ 790.62			
716.65	Trade Shop	§ 790.124	P	C	
716.66	Storage	§ 790.117			
716.67	Video Store	§ 790.135	C	C	
716.68	Fringe Financial Service	§ 790.111			

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716.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
716.69A	Self-Service Specialty Food	§ 790.93			
716.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
716.69C	Neighborhood Agriculture	§ 102.35 (a)	P	P	P
716.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
Institutions and Non-Retail Sales and Services					
716.70	Administrative Service	§ 790.106			
716.80	Hospital or Medical Center	§ 790.44			
716.81	Other Institutions, Large	§ 790.50	P	C	C
716.82	Other Institutions, Small	§ 790.51	P	P	P
716.83	Public Use	§ 790.80	C	C	C
716.84	Medical Cannabis Dispensary	§ 790.141	P		
RESIDENTIAL STANDARDS AND USES					

1	716.90	Residential Use	§ 790.88	P	P	P
2	716.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area § 207.4		
3	716.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208		
4	716.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 80 sq. ft if private, or 100 sq. ft. if common § 135(d)		
5	716.94	Off-Street Parking, Residential	§§ 150, 153 - 157, 159 - 160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
6	716.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR THE INNER CLEMENT STREET

NEIGHBORHOOD COMMERCIAL DISTRICT

21	Article 7	Other	Zoning Controls			
22	Code	Code				
23	Section	Section				
24	§ 716.41	§ 790.22	INNER CLEMENT STREET LIQUOR LICENSES FOR			

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		<p>FULL-SERVICE RESTAURANTS Boundaries: Applicable to the Inner Clement Street Neighborhood Commercial District</p> <p>Controls: (a) In order to allow certain restaurants to seek an ABC license type 47 so that liquor may be served for drinking on the premises, a bar use, as defined in § 790.22, may be permitted as a conditional use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission finds that:</p> <p>(1) The bar function is operated as an integral element of an establishment which is classified <i>both as: (A) a full-service restaurant as defined in § 790.92 and (B) a bona-fide eating place restaurant</i> as defined in § <u>790.142</u> 781.8(e); and</p> <p>(2) The establishment maintains only an ABC license type 47. Other ABC license types, except those that are included within the definition of a <i>full-service</i> restaurant <i>pursuant to § 790.22</i>, are not permitted for those uses subject to this Section.</p> <p>(b) Subsequent to the granting of a conditional use authorization under this Section, the Commission may consider immediate revocation of the previous conditional use authorization should an establishment no longer comply with any of the above criteria for any length of time.</p>
§ 716.41	§ 790.22	<p>INNER CLEMENT STREET LIQUOR LICENSES FOR BARS</p> <p>Boundaries: Applicable to the Inner Clement Street</p>

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		<p>Neighborhood Commercial District</p> <p>Controls: (a) In order to allow wine and/or beer bars to seek an ABC license type 42 so that wine and beer (but not hard spirits) may be served for drinking on the premises, a bar use, as defined in § 790.2, may be permitted as a conditional use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission finds that:</p> <p>(1) The bar function is operated as a wine and beer bar with an ABC license type 42, which may include incidental food services; and</p> <p>(2) The establishment maintains only an ABC license type 42 and/or an ABC license type 20 permitting off-premises sales of wine and beer. Other ABC license types, except those that are included within the definition of a full-service restaurant pursuant to § 790.22, are not permitted for those uses subject to this Section.</p> <p>(b) Subsequent to the granting of a conditional use authorization under this Section, the Commission may consider immediate revocation of the previous conditional use authorization should an establishment no longer comply with any of the above criteria for any length of time.</p>
<p>§716.41 <i>and</i> 716.42,</p>	<p>§ 790.34 790.92 and 790.22</p>	<p>INNER CLEMENT STREET <u>EATING AND DRINKING</u> <u>USES</u> FULL SERVICE RESTAURANTS AND BARS</p> <p>Boundaries: Applicable to the Inner Clement Street</p>

<p>1 <u>716.43,</u> 2 <u>716.44, and</u> 3 <u>716.69A</u></p>		<p>Neighborhood Commercial District</p> <p>Controls: A full-service restaurant or a bar may be permitted as a <u>principal use if the total ground floor street frontage of the Inner Clement Neighborhood Commercial District dedicated to eating and drinking uses, as defined in Section 790.34, is less than 30% of the total street frontage of the district. If the total ground level street frontage dedicated to eating and drinking uses exceeds 30%, then food and drink uses may be approved with a conditional use authorization on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission has approved no more than a total of three (3) full-service restaurants or bars in accordance with this Section. Should a full-service restaurant or bar permitted under this Section cease operation and complete a lawful change of use to another principally or conditionally permitted use, the Commission may consider a new full-service restaurant or bar in accordance with the terms of this Section</u></p>
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19 Section 6. The San Francisco Planning Code is hereby amended by amending Section
20 717.1, to read as follows:

21 **SEC. 717.1. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

22 The Outer Clement Street Neighborhood Commercial District is located on Clement
23 Street between 19th Avenue and 27th Avenue in the western portion of the Richmond District.
24 The shopping area contains small-scale convenience businesses, as well as many
25

1 restaurants and a movie theater. The district's restaurants serve a neighborhood and
 2 Citywide clientele during the evening hours, while convenience shopping uses cater for the
 3 most part to daytime neighborhood shoppers. Outer Clement Street contains many mixed-
 4 use buildings with some fully commercial and fully residential buildings interspersed between
 5 them.

6 The Outer Clement Street District controls are designed to promote development that is
 7 in keeping with the district's existing small-scale, mixed-use character. The building
 8 standards monitor large-scale development and protect rear yards at all levels. Future
 9 commercial growth is directed to the ground story in order to promote more continuous and
 10 active retail frontage. Additional eating and drinking establishments are prohibited, while
 11 ground-story entertainment and financial service uses are monitored in order to limit the
 12 problems of traffic, congestion, noise and late-night activity associated with such uses and to
 13 protect existing neighborhood-serving businesses. Other controls restricting late-night
 14 activity, hotels, automobile uses, and drive-up facilities are designed to preserve the low-
 15 intensity character of the district.

16 Housing development in new buildings is encouraged above the ground story. Existing
 17 residential units are protected by prohibitions of upper-story conversions and limitations on
 18 demolitions.

19 **SEC. 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
 20 **ZONING CONTROL TABLE**

			Outer Clement Street
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			

1	717.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250 - 252, 260, 270, 271	40-X
2				
3				
4	717.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 4,999 sq. ft. C 5,000 sq. ft. & above § 121.1
5				
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7				
8	717.12	Rear Yard	§§ 130, 134, 136	Required at grade level and above § 134(a) (e)
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10				
11	717.13	Street Frontage		Required § 145.1
12				
13	717.14	Awning	§ 790.20	P § 136.1(a)
14				
15				
16	717.15	Canopy	§ 790.26	P § 136.1(b)
17				
18	717.16	Marquee	§ 790.58	P § 136.1 (c)
19				
20	717.17	Street Trees		Required § 143
21				
22	COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
23				
24	717.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124 (a) (b)
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717.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above § 121.2
717.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153 - 157, 159 - 160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
717.23	Off-Street Freight Loading	§§ 150, 153- 155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
717.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
717.25	Drive-Up Facility	§ 790.30	
717.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
717.27	Hours of Operation	§ 790.48	P 6 a.m. - 11 p.m.; C 11 p.m. - 2 a.m.
717.30	General Advertising Sign	§§ 262, 602 - 604, 608, 609	

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717.31	Business Sign	§§ 262, 602 - 604, 608, 609	P	§ 607.1(f) 2		
717.32	Other Signs	§§ 262, 602 - 604, 608, 609	P	§ 607.1(c) (d) (g)		
No.	Zoning Category	§ References	Outer Clement Street			
			Controls by Story			
		§790.118	1st	2nd	3rd+	
717.38	Residential Conversion	§ 790.84	P			
717.39	Residential Demolition	§ 790.86	P	C	C	
Retail Sales and Services						
717.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P			
717.41	Bar	§ 790.22				
717.42	Full-Service Restaurant	§ 790.92				
717.43	Large Fast Food Restaurant	§ 790.90				
717.44	Small Self-Service Restaurant	§ 790.91				

1	717.45	Liquor Store	§ 790.55	C		
2	717.46	Movie Theater	§ 790.64	P		
3	717.47	Adult Entertainment	§ 790.36			
4	717.48	Other Entertainment	§ 790.38	C		
5	717.49	Financial Service	§ 790.110	C		
6	717.50	Limited Financial Service	§ 790.112	C		
7	717.51	Medical Service	§ 790.114	P		
8	717.52	Personal Service	§ 790.116	P		
9	717.53	Business or Professional Service	§ 790.108	P		
10	717.54	Massage Establishment	§ 790.60, § 1900 Health Code			
11	717.55	Tourist Hotel	§ 790.46			
12	717.56	Automobile Parking	§§ 790.8, 156, 160	C	C	
13	717.57	Automotive Gas Station	§ 790.14			
14	717.58	Automotive Service Station	§ 790.17			
15	717.59	Automotive Repair	§ 790.15			

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717.60	Automotive Wash	§ 790.18			
717.61	Automobile Sale or Rental	§ 790.12			
717.62	Animal Hospital	§ 790.6	C		
717.63	Ambulance Service	§ 790.2			
717.64	Mortuary	§ 790.62			
717.65	Trade Shop	§ 790.124	P		
717.66	Storage	§ 790.117			
717.67	Video Store	§ 790.135	C	C	
717.68	Fringe Financial Service	§ 790.111			
717.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
717.69A	Self-Service Specialty Food	§ 790.93			
717.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.94			
717.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
717.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C

Institutions and Non-Retail Sales and Services					
717.70	Administrative Service	§ 790.106			
717.80	Hospital or Medical Center	§ 790.44			
717.81	Other Institutions, Large	§ 790.50	P	C	C
717.82	Other Institutions, Small	§ 790.51	P	P	P
717.83	Public Use	§ 790.80	C	C	C
717.84	Medical Cannabis Dispensary	§ 790.141	P		
RESIDENTIAL STANDARDS AND USES					
717.90	Residential Use	§ 790.88	P	P	P
717.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88 (a)	Generally, 1 unit per 600 sq. ft. lot area § 207.4		
717.92	Residential Density, Group Housing	§§ 207.1, 790.88 (b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208		
717.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)		

717.94	Off-Street Parking, Residential	§§ 150, 153 - 157, 159 - 160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
717.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR THE OUTER CLEMENT STREET NEIGHBORHOOD

COMMERCIAL DISTRICT

<p>§§ 717.41, 717.42, 717.43, 717.44, and 717.69A</p>	<p>§ 790.34</p>	<p><u>OUTER CLEMENT STREET EATING AND DRINKING USES</u></p> <p><u>Boundaries: Applicable to the Outer Clement Street Neighborhood Commercial District</u></p> <p><u>Controls: A restaurant or a bar may be permitted as a principal use if the total ground floor street frontage of the Outer Clement Neighborhood Commercial District dedicated to eating and drinking uses, as defined in Section 790.34 is less than 30% of the total street frontage of the district. If the total ground level street frontage dedicated to eating and drinking uses exceeds 30%, then food and drink uses may be approved with conditional use authorization.</u></p>
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Section 7. The San Francisco Planning Code is hereby amended by amending Section 781.4, to read as follows:

1 **SEC. 781.4. GEARY BOULEVARD FORMULA RETAIL PET SUPPLY STORE FAST-FOOD**
2 **SUBDISTRICT.**

3 In order to preserve the mix and variety of goods and services provided to the
4 Richmond neighborhood and City residents and prevent further proliferation of *formula retail*
5 *pet supply* store ~~*fast-food restaurant*~~ uses, and prevent further aggravation of parking and traffic
6 congestion in this district, there shall be a Geary Boulevard *Formula Retail Pet Supply Store*
7 ~~*Fast-Food*~~ Subdistrict, generally applicable for the NC-3-zoned portion of Geary Boulevard
8 between 14th and 28th Avenues, as designated on Sectional Maps 3SU and 4SU of the
9 Zoning Map. The following provisions shall apply within such subdistrict:

10 (a) *A retail use, as defined in Section 790.102(g) of this Code, that is a pet supply store and*
11 *also a formula retail use, as defined in Section 703.3(b) of this Code, shall not be permitted in this*
12 *subdistrict. For purposes of this section, a "pet supply store" shall be defined as a retail use which sells*
13 *pet food, toys, apparatus, and similar pet items. A large fast food restaurant, as defined in Section*
14 *790.90 of this Code, shall not be permitted in this subdistrict.*

15 (b) The provisions of Sections 180 through 186.1 of this Code shall govern *formula*
16 *retail pet supply stores* ~~*large fast-food restaurants*~~ which existed lawfully at the effective date of
17 this Code in this subdistrict.

18 Section 8. Effective Date. This ordinance shall become effective 30 days from the
19 date of passage.

20
21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

23 By: _____
24 ANDREA RUIZ-ESQUIDE
25 Deputy City Attorney