

FILE NO. 080872

ORDINANCE NO. **8-09**

1 [Planning – Union Street Neighborhood Commercial District - full-service restaurants.]

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3 **Ordinance amending Planning Code Sections 725.1 and 725.42 of the Union Street**  
4 **Neighborhood Commercial District to provide for a limited number of new full-service**  
5 **restaurant uses that satisfy specific requirements and obtain conditional use**  
6 **authorization, making environmental findings, and making findings of consistency with**  
7 **the General Plan and priority policies of Planning Code Section 101.1.**

8 Note: Additions are single-underline italics Times New Roman;  
9 deletions are ~~strikethrough italics Times New Roman~~.  
10 Board amendment additions are double underlined.  
11 Board amendment deletions are ~~strikethrough normal~~.

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

13 Section 1. Findings. The Board of Supervisors of the City and County of San Francisco  
14 hereby finds and declares as follows:

15 (1) The Union Street Neighborhood Commercial District Zoning Controls applicable to  
16 full-service restaurants and small self-service restaurants have not been substantially revised  
17 since their adoption in 1987.

18 (2) Since that time, the demographic and economic character of the Marina District  
19 has continued to evolve, bringing with it needs for new commercial facilities along Union  
20 Street, some of which are prohibited under current zoning controls.

21 (3) There are 27 full service restaurants currently located in the Union Street  
22 Neighborhood Commercial District ("Union Street District").

23 (4) The underlying premise that led to the original prohibition of full-service restaurant  
24 uses along Union Street – that being to preserve existing convenience businesses and to  
25 minimize growth impacts on neighborhood residents – remains sound.

1 (5) By allowing a limited number of new full-service restaurants and small self-service  
2 restaurants to locate within the Union Street District, the neighborhood will have additional  
3 land use planning options. This flexibility will accommodate the needs of neighborhood  
4 residents and maintain the vibrancy of the community, without risking more significant and  
5 undesirable land use shifts.

6 (6) New restaurants allowed pursuant to this ordinance may fill commercial spaces in  
7 the neighborhood that could otherwise remain vacant.

8 (7) New restaurants will be limited by number, size, and conditional use criteria to  
9 avoid displacing other neighborhood-serving uses.

10 (8) Such new restaurants attract patrons who may support existing and future local  
11 businesses within the Union Street District.

12 Section 2. Environmental Findings, General Plan Findings, and Other Required Findings.

13 (a) The Planning Department has determined that the actions contemplated in this  
14 Ordinance are in compliance with the California Environmental Quality Act (California Public  
15 Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the  
16 Board of Supervisors in File No. 080872 and is incorporated herein by  
17 reference.

18 (b) On September 25, 2008, the Planning Commission, in Resolution No.  
19 17703 approved and recommended for adoption by the Board this legislation and  
20 adopted findings that it is consistent, on balance, with the City's General Plan and eight  
21 priority policies of Planning Code Section 101.1 The Board adopts these findings as its own.  
22 A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No.  
23 080872, and is incorporated by reference herein.

1 (c) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this  
2 legislation will serve the public necessity, convenience, and welfare for the reasons set forth in  
3 Planning Commission Resolution No. 17703, and incorporates such reasons by  
4 reference herein.

5 Section 3. The San Francisco Planning Code is hereby amended by amending  
6 Section 725.1 to read as follows:

7 **SEC. 725.1 UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

8 The Union Street Commercial District is located in northern San Francisco between the  
9 Marina and Pacific Heights neighborhoods. The district lies along Union Street between Van  
10 Ness Avenue and Steiner, including an arm extending north on Fillmore Street to Lombard.  
11 The shopping area provides limited convenience goods for the residents of sections of the  
12 Cow Hollow, Golden Gate Valley, and Pacific Heights neighborhoods immediately  
13 surrounding the street. Important aspects of Union Street's business activity are eating and  
14 drinking establishments and specialty shops whose clientele comes from a wide trade area.  
15 There are also a significant number of professional, realty, and business offices. Many  
16 restaurants and bars are open into the evening hours, and on weekends the street's clothing,  
17 antique stores and galleries do a vigorous business.

18 The Union Street District controls are designed to provide sufficient growth  
19 opportunities for commercial development that is in keeping with the existing scale and  
20 character, promote continuous retail frontage, and protect adjacent residential livability.  
21 Small-scale buildings and neighborhood-serving uses are promoted, and rear yards above the  
22 ground story and at all residential levels are protected. Most commercial development is  
23 permitted at the first two stories of new buildings, while retail service uses are monitored at  
24 the third story and above. Controls are necessary to preserve the remaining convenience  
25

1 businesses and to reduce the cumulative impacts which the growth of certain uses have on  
 2 neighborhood residents. Such controls prohibit additional *eating and* drinking establishments  
 3 and limit additional eating establishments and entertainment and financial service uses. Most  
 4 automobile and drive-up uses are prohibited in order to maintain continuous retail frontage  
 5 and minimize further traffic congestion.

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

8 Section 4. The San Francisco Planning Code is hereby amended by amending Section  
 9 725.42 of the Union Street Neighborhood Commercial District Zoning Control Table to read  
 10 as follows:

11 **SEC. 725 UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**  
 12 **CONTROL TABLE**

			UNION STREET		
			CONTROLS BY STORY		
No.	A. Zoning Category	§ References	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
725.42	Full-Service Restaurant	§790.92	<u>C</u>		

17  
 18 Section 5. The San Francisco Planning Code is hereby amended by adding a new table  
 19 entitled "Specific Provisions for the Union Street Neighborhood Commercial District" under  
 20 Section 725 to read as follows:

**SPECIFIC PROVISIONS FOR THE UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

<u>Article 7</u> <u>Code Section</u>	<u>Other Code</u> <u>Section</u>	<u>Zoning Controls</u>
§725.42	§790.22	<p>UNION STREET LIQUOR LICENSES FOR FULL-SERVICE RESTAURANTS</p> <p>Boundaries: Applicable to the Union Street Neighborhood Commercial District</p> <p>Applicability: The following controls apply to new uses as well to significant alterations, modifications, and intensifications of existing uses pursuant to §178(c) of the Planning Code.</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 both as: (A) a full-service restaurant as defined in §790.92 and (B) a bona fide restaurant as defined in §781.8(c);</p> <p>———— (2) The establishment maintains only an ABC</p>


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		<p>license type 47. 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.; and</p> <p>—— (3) The bar use area provides for no more than 20 percent of the seating capacity of the establishment.</p> <p>—— (b) The Planning Department shall require that any bar use authorized pursuant to this section shall not sell liquor after midnight.</p> <p>—— (c) 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><u>§725.42</u></p>	<p><u>§790.92</u></p>	<p><u>UNION STREET FULL-SERVICE RESTAURANTS</u></p> <p><u>Boundaries: Applicable to the Union Street Neighborhood Commercial District</u></p> <p><u>Applicability: The following controls apply to new uses as well to significant alterations, modifications, and intensifications of existing uses pursuant to §178(c) of the Planning Code.</u></p>

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Controls: The Planning Commission may approve a full-service restaurant providing on-site liquor, beer and/or wine sales (with ABC license 40, 41, 47 or 60) if, in addition to meeting the criteria set forth in Section 303, the use (1) is located on the ground floor, and (2) the Planning Commission finds that an additional full-service restaurant would not result in a net total of more than 32 full-service restaurants in the Union Street Neighborhood. The Planning Department shall apply Article 7 zoning controls for Union Street Full-Service Restaurants to conditional use authorizations required by Planning Code § 178, including but not limited to significant alterations, modifications, and intensifications of use.

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

By:   
Andrew W. Garth  
Deputy City Attorney



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails Ordinance

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**File Number:** 080872

**Date Passed:**

Ordinance amending Planning Code Sections 725.1 and 725.42 of the Union Street Neighborhood Commercial District to provide for a limited number of new full-service restaurant uses that satisfy specific requirements and obtain conditional use authorization, making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

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December 16, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell,  
McGoldrick, Mirkarimi, Peskin, Sandoval

January 6, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell,  
McGoldrick, Mirkarimi, Peskin



File No. 080872

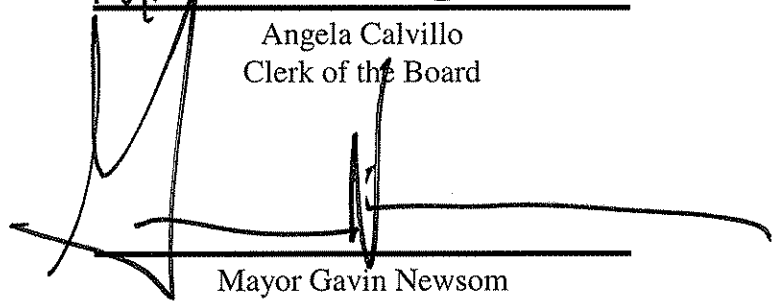
I hereby certify that the foregoing Ordinance  
was **FINALLY PASSED** on **January 6, 2009**  
by the Board of Supervisors of the City and  
County of San Francisco.

1/16/09

Date Approved



Angela Calvillo  
Clerk of the Board



Mayor Gavin Newsom