

[24<sup>th</sup> Street - Noe Valley Neighborhood Commercial District – Conditional Use for New Full-Service and Small Self-Service Restaurants.]

**Ordinance amending the San Francisco Planning Code by amending Section 728.1 and Sections 728.42, 728.44 and 728.69A of the Zoning Control Table to allow new full-service restaurants, small self-service restaurants, and self-service specialty food establishments with conditional use authorization and removing the Specific Provisions for full-service restaurants; adopting findings, including environmental findings, Section 301 findings, and findings of consistency with the General Plan and the Priority Policies of Section 101.1 .**

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

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

Section 1. Findings. The Board of Supervisors hereby finds that:

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 091208 and is incorporated herein by reference.

(b) These Planning Code amendments will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 18010 . The Board incorporates those reasons herein by reference. A copy of Planning Commission Resolution No. 18010 is on file with the Clerk of the Board of Supervisors in File No. 091208.

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1 (c) These Planning Code amendments are consistent with the General Plan and  
2 with the Priority Policies of Planning Code Section 101.1 for the reasons set forth in Planning  
3 Commission Resolution No. 18010, and the Board incorporates those reasons herein by  
4 reference.

5 Section 2. The San Francisco Planning Code is hereby amended by amending Section  
6 728.1, to read as follows:

7 SEC. 728.1. 24TH STREET -- NOE VALLEY NEIGHBORHOOD COMMERCIAL  
8 DISTRICT.

9 The 24th Street -- Noe Valley Neighborhood Commercial District is situated along 24th  
10 Street between Chattanooga and Diamond in the Noe Valley neighborhood of central San  
11 Francisco. This daytime-oriented, multi-purpose commercial district provides a mixture of  
12 convenience and comparison shopping goods and services to a predominantly local market  
13 area. It contains primarily retail sales and personal services at the street level, some office  
14 uses on the second story, and residential use almost exclusively on the third and upper  
15 stories.

16 The 24th Street -- Noe Valley District controls are designed to allow for development  
17 that is compatible with the existing small-scale, mixed-use neighborhood commercial  
18 character and surrounding residential area. The small scale of new buildings and  
19 neighborhood-serving uses is encouraged and rear yard open space corridors at all levels are  
20 protected. Most commercial uses are directed to the ground story and limited at the second  
21 story of new buildings. In order to maintain the variety and mix of retail sales and services  
22 along the commercial strip and to control the problems of traffic, congestion, noise and late-  
23 night activity, certain potentially troublesome commercial uses are regulated. Additional *large*  
24 *fast food restaurants are prohibited, other* eating and drinking establishments *require conditional*  
25 *use authorization are prohibited*, and ground-story entertainment and financial service uses are

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1 restricted to and at the ground story. Prohibitions on drive-up and most automobile uses help  
 2 prevent additional traffic and parking congestion.

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

6 Section 3. The San Francisco Planning Code is hereby amended by amending  
 7 Sections 728.42, 728.44, 728.69A and the Specific Provisions of the Zoning Control Table, to  
 8 read as follows:

9 SEC. 728. 24TH STREET -- NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT

10 ZONING CONTROL TABLE

			24th Street -- Noe Valley
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
728.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250--252, 260, 270, 271	40-X
728.11	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
728.12	Rear Yard	§§ 130, 134, 136	Required at grade level and above § 134(a) (e)
728.13	Street Frontage		Required § 145.1
728.14	Awning	§ 790.20	P § 136.1(a)
728.15	Canopy	§ 790.26	P § 136.1(b)
728.16	Marquee	§ 790.58	P § 136.1(c)

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1	728.17	Street Trees		Required § 143
2	COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
3	728.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124(a) (b)
4				
5	728.21	Use Size [Non-Residential]	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above § 121.2
6				
7	728.22	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)
8				
9	728.23	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)
10				
11	728.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
12				
13	728.25	Drive-Up Facility	§ 790.30	
14				
15	728.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
16				
17	728.27	Hours of Operation	§ 790.48	P 6 a.m.--2 a.m. C 2 a.m.--6 a.m.
18				
19	728.30	General Advertising Sign	§§ 262, 602-- 604, 608, 609	
20				
21	728.31	Business Sign	§§ 262, 602-- 604, 608, 609	P § 607.1(f)2
22				
23	728.32	Other Signs	§§ 262, 602-- 604, 608, 609	P § 607.1(c) (d) (g)

24	No.	Zoning Category	§ References	24th Street-- Noe Valley
25				Controls by Story

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		§ 790.118	1st	2nd	3rd+
728.38	Residential Conversion	§ 790.84	P		
728.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
728.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P#	C#	
728.41	Bar	§ 790.22	C#		
728.42	Full-Service Restaurant	§ 790.92	C#		
728.43	Large Fast Food Restaurant	§ 790.90			
728.44	Small Self-Service Restaurant	§ 790.91	C		
728.45	Liquor Store	§ 790.55	C		
728.46	Movie Theater	§ 790.64	P		
728.47	Adult Entertainment	§ 790.36			
728.48	Other Entertainment	§ 790.38	C		
728.49	Financial Service	§ 790.110	C		
728.50	Limited Financial Service	§ 790.112	C		
728.51	Medical Service	§ 790.114	P	C	
728.52	Personal Service	§ 790.116	P	C	
728.53	Business or Professional Service	§ 790.108	P	C	
728.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
728.55	Tourist Hotel	§ 790.46	C	C	
728.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
728.57	Automotive Gas	§ 790.14			

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	Station				
728.58	Automotive Service Station	§ 790.17			
728.59	Automotive Repair	§ 790.15			
728.60	Automotive Wash	§ 790.18			
728.61	Automobile Sale or Rental	§ 790.12			
728.62	Animal Hospital	§ 790.6	C		
728.63	Ambulance Service	§ 790.2			
728.64	Mortuary	§ 790.62			
728.65	Trade Shop	§ 790.124	P	C	
728.66	Storage	§ 790.117			
728.67	Video Store	§ 790.135	C	C	
728.68	Fringe Financial Service	§ 790.111	#	#	#
728.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
728.69A	Self-Service Specialty Food	§ 790.93	C		
<b>Institutions and Non-Retail Sales and Services</b>					
728.70	Administrative Service	§ 790.106			
728.80	Hospital or Medical Center	§ 790.44			
728.81	Other Institutions, Large	§ 790.50	P	C	C
728.82	Other Institutions, Small	§ 790.51	P	P	P
728.83	Public Use	§ 790.80	C	C	C
728.84	Medical Cannabis Dispensary	§ 790.141	P		
<b>RESIDENTIAL STANDARDS AND USES</b>					
728.90	Residential Use	§ 790.88	P	P	P

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1	728.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area § 207.4		
2	728.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208		
3	728.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 80 sq. ft if private, or 100 sq. ft. if common § 135(d)		
4	728.94	Off-Street Parking, Residential	§§ 150, 153-- 157, 159--160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
5	728.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR THE 24TH STREET--NOE VALLEY  
NEIGHBORHOOD COMMERCIAL DISTRICT

12	Article 7 Code Section	Other Code Section	Zoning Controls
14	§ 728.40	§ 790.102(b) and (n) § 703.2(b)(1)(C)	24TH STREET -- NOE VALLEY SPECIALTY RETAIL USES Boundaries: Only the area within the 24th Street -- Noe Valley Neighborhood Commercial District. The controls shall not apply to NC-1 Districts or nonconforming uses within 1/4 mile of this District as set forth in Code §§ 710.10 and 186. Controls: Retail coffee stores, as defined in Code § 790.102(n), are prohibited. Retail coffee stores and specialty groceries, defined in Code § 790.102(b), are prohibited from establishing accessory take-out food service use pursuant to Code § 703.2(b)(1)(C).
21	§ 728.41	§ 790.22	24th STREET--NOE VALLEY LIQUOR LICENSES FOR FULL-SERVICE RESTAURANTS Boundaries: Applicable to the 24th Street - Noe Valley Neighborhood Commercial District 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

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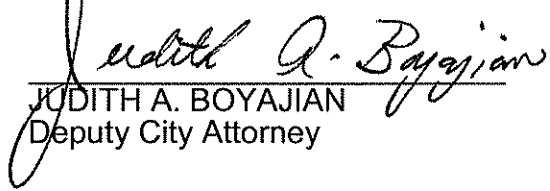
		<p>the criteria set forth in Section 303, the Planning Commission finds that:</p> <p>(1) The bar function is operated as an integral element of an establishment which is classified both as: (A) a full-service restaurant as defined in § 790.92 and (B) a bona-fide restaurant as defined in § 781.8(c); and</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 full-service restaurant pursuant to § 790.92, 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><del>§ 728.42</del></p>	<p><del>§ 790.92</del></p>	<p><del>24th STREET - NOE VALLEY FULL SERVICE RESTAURANTS</del></p> <p><del>Boundaries: Applicable to the 24th Street - Noe Valley Neighborhood Commercial District</del></p> <p><del>Controls: (a) A full-service restaurant 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:</del></p> <p><del>(1) The full-service restaurant does not occupy space that has been occupied by a basic neighborhood service since the effective date of this Section. For the purposes of this Section, a 'basic neighborhood service' shall be considered to include, but not necessarily be limited to, the following: hardware stores, shoe repair facilities, bookstores, and grocery stores that sell a wide variety of staple goods and collect less than 50% of gross receipts from the sale of alcoholic beverages;</del></p> <p><del>(2) Should the full-service restaurant seek the use of public sidewalk space through the Department of Public Works or another City agency, such use is conducted in a manner consistent with: (A) nearby commercial and residential uses and structures, and (B) the width of the sidewalk along the subject property and adjacent properties. New, expanded, or intensified use of public sidewalk space for a full service restaurant authorized under this Section shall</del></p>



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		<p><del>require a new conditional use authorization pursuant to Section 303;</del></p> <p><del>(3) The Planning Commission has approved no more than a total of three (3) full service restaurants in accordance with this Section. Should a full service restaurant 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 in accordance with the terms of this Section; and</del></p> <p><del>(4) No more than 60 months have elapsed from the effective date of this Section.</del></p>
§ 728.68	§ 249.35	<p>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD) Boundaries: The FFSRUD and its 1/4 mile buffer includes portions of, but is not limited to, the 24th Street-Noe Valley Neighborhood Commercial District. Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</p>

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

By:   
JUDITH A. BOYAJIAN  
Deputy City Attorney

Supervisor Dufty  
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City and County of San Francisco  
**Tails  
Ordinance**

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

**File Number:** 091208

**Date Passed:** May 04, 2010

Ordinance amending the San Francisco Planning Code by amending Section 728.1 and Sections 728.42, 728.44 and 728.69A of the Zoning Control Table to allow new full-service restaurants, small self-service restaurants, and self-service specialty food establishments with conditional use authorization and removing the Specific Provisions for full-service restaurants; adopting findings, including environmental findings, Section 301 findings, and findings of consistency with the General Plan and the Priority Policies of Section 101.1.

April 27, 2010 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar and Mirkarimi

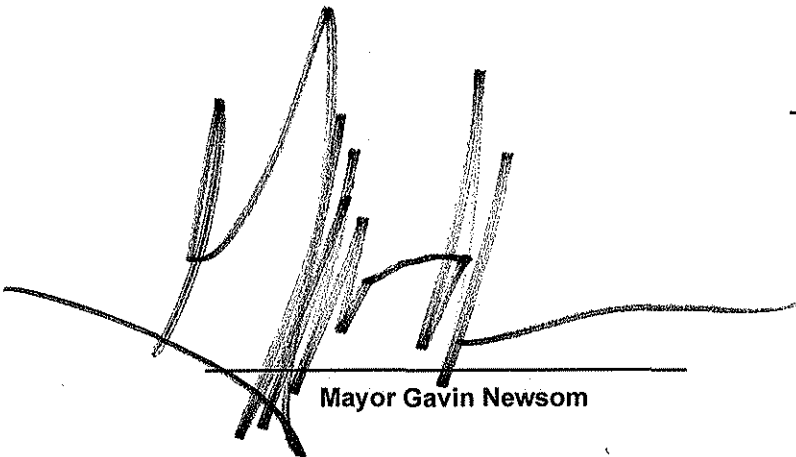
Excused: 1 - Maxwell

May 04, 2010 Board of Supervisors - FINALLY PASSED


Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

File No. 091208

I hereby certify that the foregoing  
Ordinance was FINALLY PASSED on  
5/4/2010 by the Board of Supervisors of the  
City and County of San Francisco.



\_\_\_\_\_  
Mayor Gavin Newsom



\_\_\_\_\_  
Angela Calvillo  
Clerk of the Board

5/13/2010  
\_\_\_\_\_  
Date Approved