



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Resolution No. 18695

HEARING DATE SEPTEMBER 6, 2012

*Project Name:* **Reinstate Union Street Liquor License Controls**  
*Case Number:* 2012.0947T [Board File No. 12-0773]  
*Initiated by:* Supervisor Farrell  
*Introduced on:* July 17, 2012  
*Staff Contact:* Aaron Starr, Legislative Affairs  
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*Reviewed by:* AnMarie Rodgers, Manager Legislative Affairs  
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*Recommendation:* **Recommend Approval with Modifications**

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**RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND THE SAN FRANCISCO PLANNING CODE BY AMENDING PLANNING CODE SECTION 725.1 TO REINSTATE CONTROLS TO PROHIBIT LIQUOR LICENSE TYPES 47 AND 49 IN THE UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT AND BY REQUIRING CONDITIONAL USE AUTHORIZATION FOR LIMITED RESTAURANTS.**

WHEREAS, on July 17, 2012, Supervisors Farrell introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 12-0773, which would amend the San Francisco Planning Code by amending Planning Code section 725.1 to reinstate controls to prohibit liquor license types 47 and 49 in the Union Street Neighborhood Commercial District and by requiring Conditional Use authorization for Limited Restaurants; and

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on September 6, 2012; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2); 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:

Modify the proposed Ordinance in the following manner (underlined text is language proposed in the Ordinance, strike through text is proposed for removal by the Planning Department):

No new alcoholic beverage license type 47 or 49 shall be permitted in the Union Street NCD. Transfer of an existing license type 47 or 49 from an existing Restaurant ~~or Limited Restaurant~~ located within the Union Street NCD to another Restaurant ~~or Limited Restaurant~~, new or existing, located within the Union Street NCD is permitted with Conditional Use authorization, consistent with the requirements of Planning Code Section 303.

## 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. Planning Department and Commission intended to preserve as many existing tailored controls for neighborhood commercial districts in the Restaurant Ordinance as possible.
2. While the Commission finds that Limited-Restaurants are a less impactful use and do not warrant Conditional Use authorization in most neighborhoods, the Commission recognizes that some neighborhoods may have an overconcentration and there appears to be neighborhood consensus on Union Street for requiring Conditional Use authorization for Limited-Restaurants.
3. By definition, Limited-Restaurants cannot have a License Type 47 or 49; the language that the Commission is recommending be deleted from the Ordinance is unnecessary and contradicts the definition of a Limited-Restaurant.
4. **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 AND INDUSTRY ELEMENT

#### 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.

*The proposed Ordinance seeks to limit the number of eating and drinking establishments within the Union Street Neighborhood Commercial District to help preserve a diversity of uses including neighborhood serving businesses.*

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 Ordinance seeks to limit the number of eating and drinking establishments within the Union Street Neighborhood Commercial District to help preserve a diversity of uses including neighborhood serving businesses.*

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 Ordinance will help preserve existing neighborhood character by ensuring that one type of use, mainly eating and drinking uses, do not over saturate the district.*

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

*The proposed Ordinance 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 Ordinance 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 Ordinance 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;

*The proposed Ordinance will have no impact on the City's ability to achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.*

7. That the landmarks and historic buildings be preserved;

*Landmarks and historic buildings would not be negatively impacted by the proposed Ordinance.*

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 Ordinance.*

- 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 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 September 6, 2012.

Linda D. Avery  
Commission Secretary

AYES: Commissioners Moore, Antonini, Fong, Wu, Hillis and Borden

NOES: Commissioner Sugaya

ABSENT: None

ADOPTED: September 6, 2012