

1 [Zoning – Requiring a Conditional Use Permit for Formula Retail Uses in the Residential-
2 Commercial Combined Medium Density (RC-3) and Residential-Commercial Combined High
3 Density (RC-4) Districts along Van Ness Avenue, from Golden Gate Avenue to Chestnut
4 Street.]

5 **Ordinance amending the Planning Code by amending Section 209.9 adding new**
6 **Section 209.10, to require a conditional use permit for formula retail uses in the**
7 **Residential-Commercial Combined Medium Density (RC-3) and Residential-Commercial**
8 **Combined High Density (RC-4) Districts along Van Ness Avenue, from Golden Gate**
9 **Avenue to Chestnut Street; and adopting findings, including environmental findings**
10 **and findings of consistency with the priority policies of Planning Code Section 101.1**
11 **and the General Plan.**

12
13 Note: Additions are single-underline italics Times New Roman;
14 deletions are ~~strikethrough italics Times New Roman~~.
15 Board amendment additions are double underlined.
16 Board amendment deletions are ~~strikethrough-normal~~.

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

18 Section 1. Findings. The Board of Supervisors of the City and County of San
19 Francisco hereby find and determine that:

20 (a) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
21 ordinance will serve the public necessity, convenience and welfare, for the reasons set forth in
22 Planning Commission Resolution No. 17735, and incorporates such reasons by this
23 reference thereto. A copy of said resolution is on file with the Clerk of the Board of
24 Supervisors in File No. 081232.

25 (b) Pursuant to Planning Code Section 101.1, the Board of Supervisors finds that the
ordinance is consistent with the Priority Policies of Section 101.1(b) of the Planning Code and

with the General Plan and hereby incorporates a report containing those findings as if fully set forth herein. A copy of said report is on file with the Clerk of the Board of Supervisors in File No. 081232.

(c) The Planning Department concluded environmental review of this ordinance pursuant to the California Environmental Quality Act, Public Resources Code Section 2100 et seq. Documentation of that review is on file with the Clerk of the Board of Supervisors in File No. 081232.

~~Section 2. The San Francisco Planning Code is hereby amended by amending Section 209.9, to read as follows:~~

~~SEC. 209.9. OTHER USES.~~

R	H	R	R	R	R	R	R	R	R	R	R	R	R	
1	H	1	H	H	M	M	M	M	T	C	C	C	C	
(D)	1	(S)	2	3	1	2	3	4	0	1	2	3	4	
														SEC. 209.9. OTHER USES.
P	P	P	P	P	P	P	P	P	P	P	P	P	P	(a) Sale or lease sign, as defined and regulated by Article 6 of this Code.
C	C	C	C	C	C	C	C	C	C	C	C	C	C	(b) Planned Unit Development, as defined and regulated by Section 304 and other applicable provisions of this Code.
SEE SECTIONS 205 THROUGH 205.2														(c) Temporary uses, as specified in and regulated by Sections 205 through 205.2 of this Code.
											P	P	P	(d) Any use as specified in, and regulated by,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

																				Sections 209.3(d), (f), (g), (h), (j); 209.4(a), (b); or 209.5(c) of this Code, when located in or below the ground story of a building and not above the ground story.
€	€	€	€	€	€	€	€	€	€	€									(e) Any use listed as a principal or conditional use permitted in an RC-1 District, when located in a structure on a landmark site designated pursuant to Article 10 of this Code, provided that:	
																			(1) No application for a conditional use under this provision shall be accepted for filing until a period of 180 days shall have elapsed after the date of designation of the landmark; and	
																			(2) No conditional use shall be authorized under this provision unless such authorization conforms to the applicable provisions of Section 303 of this Code and, in addition, unless the specific use so authorized is essential to the feasibility of retaining and preserving the landmark.	
€	€	€	€	€	€	€	€	€	€	€									(f) Subject to Section 233(a), live/work units in existing structures, including additions and expansions thereof, provided that one or more arts activities as defined in Section 102.2 of this Code are the primary nonresidential use within the live/work unit, that other nonresidential	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

																				activities are limited to those otherwise permitted in the district or otherwise conditional in the district and specifically approved as a conditional use, and further subject to Section 303(c)(6)(B) where that Section applies.
											P	P	P	P						(g) Subject to Section 233(a), live/work units, provided that one or more arts activities as defined in Section 102.2 of this Code are the primary non-residential use within the live/work unit, and that other nonresidential activities are limited to activities otherwise permitted in the district or otherwise conditional in the district and specifically approved as a conditional use.
																				(h) Subject to Section 233(a), live/work units, whether or not included above, which satisfy the conditions of Section 233(b) of this Code.
																				(i) Arts activities except those uses subject to Sections 209.3(d) or (h).
																				(j) Mortuary and columbarium uses located on a landmark site, and where the site is within a Height and Bulk District of 40 feet or less, and where a columbarium use has lawfully and continuously operated since the time of designation. "Columbarium use" shall be defined



City and County of San Francisco

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

Tails Ordinance

File Number: 081232

Date Passed:

Ordinance amending the Planning Code by amending Section 209.9, to require a conditional use permit for formula retail uses in the Residential-Commercial Combined Medium Density (RC-3) and Residential-Commercial Combined High Density (RC-4) Districts; and adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

November 25, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 8 - Alioto-Pier, Ammiano, Chu, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin

Noes: 2 - Dufty, Elsbernd

Absent: 1 - Sandoval

November 25, 2008 Board of Supervisors — PREVIOUS VOTE RESCINDED

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

Absent: 1 - Sandoval

November 25, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 6 - Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin

Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Absent: 1 - Sandoval

December 9, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 7 - Campos, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

File No. 081232

I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on December 9, 2008 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board

Date Approved

Mayor Gavin Newsom

Date: December 22, 2008

I hereby certify that the foregoing ordinance, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.



Angela Calvillo
Clerk of the Board

File No.
081232

File No. 081232