



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

January 3, 2017

Douglas Shortes
Martinkovic Milford Architects
101 Montgomery Street, Suite 650
San Francisco, CA 94104

Site Address:	1823 Union Street
Assessor's Block/Lot:	0543/033
Zoning District:	Union Street NCD (Neighborhood Commercial District)
Staff Contact:	Laura Ajello, (415) 575-9142 or laura.ajello@sfgov.org
Record Number:	2016-015452ZAD

Dear Mr. Shortes:

This letter is in response to your request for a Letter of Determination regarding the property at 1823 Union Street. The subject property is located within and Union Street NCD (Neighborhood Commercial District) Zoning District and 40-X Height and Bulk District. The inquiry has two parts: 1) requesting verification of the legality of the existing use at the ground floor level; and 2) whether a proposed new Medical Service use (d.b.a. One Medical Group) is a permitted use in the subject commercial space. The subject parcel is located on the south side of Union Street between Laguna and Octavia Streets.

BACKGROUND

Based upon information provided in your request, the existing use of the ground floor commercial space at 1823 Union Street has been Retail Sales since 2007 (d.b.a BCBGMAXAZARIA, a Formula Retail Use). No physical expansion or exterior changes are proposed by One Medical Group.

Retail Sales and Services is a permitted use pursuant to Planning Code Sections 725.40 and 790.102. Department of Building Inspection records show an approved tenant improvement permit for BCBG in 2006 (BPA No. 2006.0627.5168, issued 9/11/2006, completed 4/20/2007). This permit appears to have been limited to improvements of the existing tenant space and did not include any expansion of the tenant space. The subject use also received approval for a sign permit in 2007 (BPA No. 2007.0109.1291). Formula Retail use currently requires Conditional Use Authorization approval.

The City initiated formula retail regulations in 2004. In 2007, San Francisco voters passed Proposition G, which expanded the controls by requiring Conditional Use Authorization for all formula retail establishments within all Neighborhood Commercial Districts. Per building permit records, the existing Formula Retail store was established prior to this requirement; however, at the time the use was

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Douglas Shortes
Martinkovic Milford Architects
101 Montgomery Street, Suite 650
San Francisco, CA 94104

January 3, 2017
Letter of Determination
1823 Union Street

established, neighborhood notification pursuant to Planning Code Section 312 was required and, based upon available information, it does not appear that the subject use underwent the required neighborhood notification.

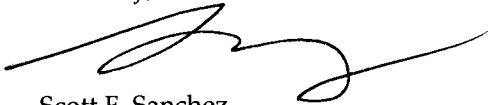
Planning Code Section 725.51 lists Medical Services as a permitted ground floor use within the Union Street NCD. Medical Services is listed as a distinct use category in the Union Street NCD Zoning Control Table (Section 725) and is thus not considered to be an Other Retail Sales and Services use (Section 725.40) as stated in your request letter. The conversion from retail to medical is considered a change of use. However, Section 312 does not require public notification for new Medical Services. Further, Section 303.1 does not consider Medical Services to be a Formula Retail Use.

Use sizes of 2,500 square feet and above in the Union Street NCD also require Conditional Use Authorization per Section 725.21 of the Planning Code. While no record of Conditional Use Authorization approval was found for the subject property, a Planning Code interpretation regarding use size in the NC Districts, effective October 1993, states that per Section 121.2, "a conforming use which was over the threshold but which predated the use size limit requirement could change to a different use occupying the same floor area without a conditional use authorization as long as there was no significant increase in the floor area." Based upon available information, it appears that the current use size of the subject property was legally established according to the applicable zoning and building laws of the time and predated the current use size controls. Given these facts, the proposed change of use at the subject property would not require Conditional Use Approval for Use Size over 2,499 square feet.

Please note that a Letter of Determination is a determination regarding the classification of uses and interpretation and applicability of the provisions of the Planning Code. This Letter of Determination is not a permit to commence any work or change occupancy. Permits from appropriate Departments must be secured before work is started or occupancy is changed.

APPEAL: If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely,



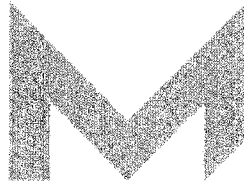
Scott F. Sanchez
Zoning Administrator

cc: Property Owner
Neighborhood Groups
Laura Ajello, Planner

RECEIVED

NOV 21 2016

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
ZA OFFICE



**MARTINKOVIC MILFORD
ARCHITECTS**

R# 2016 - 015452 ZAD

CK # 8542 \$ 664. -

D. LINDSAY (NW)

November 14, 2016

Scott Sanchez, Zoning Administrator
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

RE: Request for a Letter of Determination for Use Clarification.
Location: 1823 Union Street, San Francisco, CA 94123

Project Data

Site Address: 1823 Union Street, ground floor
APN: 0543-033
Lot Area: Approx. 5,545 +/- sf
Ground Floor Building Area: Approx. 4,754 +/- sf
Total Building Area: Approx. 9,500 +/- sf
Stories: 2
Current Active Use: Retail (ground level)
Proposed Use: Medical Service (ground level)

Request Summary

This letter is in requesting verification of the existing use and approval of the proposed use for the ground floor tenant space of the building at 1823 Union Street. 1823 Union Street is an existing ground floor non-residential space and has been used as Retail Sales since 2007. As described below, it is not clear from available records if this use is an approved use. The second level, 1825 Union Street, is a separate tenant space and not part of this request.

The proposed new use for the ground level is "Medical Service" as defined by Section 790.114. The proposed tenant is One Medical Group, an outpatient health clinic consistent with all requirements of section 790.114, Medical Service use.

The existing approved use of the space is unknown. Available permit records reviewed in the records department did not indicate any planning use approvals.

We are requesting a determination of the existing approved use and a determination on whether a CUP will be required if the space is used as Medical Service.

CELEBRATING 15 YEARS

101 Montgomery Street, Suite 650, San Francisco, CA 94104 MartinkovicMilford.com

Request Details

The existing space is larger than the Use Size limitation for the Union Street NCD zone. According to discussion with planning staff and experience on past projects, the Use Size limit does not apply when the existing and proposed uses are within the same Use Category (both Retail, for instance). Our understanding is that a CUP would be required for a change to Medical Service only if the existing space is not currently approved for a "Retail Sale and Service" use.

The following is a list of items we have been able to determine.

- The existing tenant, BCBG MAXAZRIA, is a retail clothing store and could be categorized under Sec. 790.102 (i) Sales and Services, Other Retail, Apparel and Accessories. This tenant has been in occupancy since 2007.
- The building permit for the current tenant lists the existing and proposed use as Retail. The permit does not indicate planning review/approval of this use.
- The approved use of the space is unknown. Research at the records department has yielded building permits but no planning approvals for this space. Research at the Planning Department online portal has erroneous information and lists data for 2749 Hyde Street.
- Medical Services is a permitted use in the Union Street NCD zone per Table 725, line 725.52 and is also under the Retail Sales and Service category.
- During phone calls I was informed by planning staff that the Use Size limitation does not apply for changes in use that are both within the Retail Sales and Services category when the existing size is not being enlarged.
- During phone calls I was informed a CUP would be required to achieve approval only if the existing approved use is not Retail Sales and Services.
- The proposed use as Medical Service would be an interior renovation only without expansion of the existing space.

Because the size of the space is larger than the Use Size limit of 2,499 square feet we want to be certain the existing use is a Retail Sales & Services use before preparing plans to submit for building permit.

Phone Research with Planning Staff

I spoke with Audrey on 10/18/16 who indicated the space had building permits on file listing the space as Retail however these building permits did not include planning approval. She indicated that if the existing use is Retail, Medical Services would be a permitted use and that the Use Size limitation would not apply. Audrey confirmed that the planning information listed online was incorrect, and was indicating the wrong address. Audrey was unable to verify the current approved use.

I spoke with David on 11/4/16 who indicated that the use size limit would not apply as long as the space is currently approved as retail. He was unable to verify the approved use and suggested researching permit records at the Records Department. He indicated Medical Service would also be under the Retail category so a CUP would not be required as long as the size of the space is not increased at all. David also confirmed that the proposed use was not a Formula Retail use as defined by Section 303.1.

I spoke with Laura on 11/9/19, after reviewing permit records in the records department. She indicated that if no records are available, and if the prior tenant cannot document their use approval, there are two courses of action to achieve approval:

1. Submit a request for a letter of determination, or
2. Submit plans to the planning department requesting approval for the proposed use.

Existing Use Status

Permit history was researched at the DBI records department and the most recent approved permit for the property was found to be Permit # 200606275168 and associated trade and permit revisions. These permits indicate the existing and proposed use is Retail. Most recent permit revision #200703085810 is attached for reference (Exhibit A). The property has been occupied by this tenant since 2007 as a Retail store. (See recent Google street view, attached Exhibit B).

Many older building permit records for the space are on file and indicate a combination of Retail and Office uses. None of the permit records reviewed indicated a use approval from the planning department.

Rationale for Approval

Given the most recent approval of the site and continuous occupancy of the space as Retail use since 2007 we request that the planning department verify the permitted use of the space as Retail and grant approval of the proposed use as Medical Service in the existing space without requiring a conditional use permit.

Attachments

Exhibit A

Building Permit # 200703085810

Exhibit B

Google street view of existing space.

Exhibit C

Planning code Section 725, Union Street Neighborhood Commercial District.

Fee payment:

Check # 8542, \$664.

Thank you for your attention to this request. If there are any questions my contact information is below.

Sincerely,

Douglas Shortes, Architect
Martinkovic Milford Architects
101 Montgomery Street, Suite 650
San Francisco, CA 94104
(415) 346-9990
douglas@martinkovicmilford.com

OFFICIAL COPY



APPROVED

Dept. of Building Insp.

APR 06 2007

ACTING DIRECTOR DEPT. OF BUILDING INSPECTION

Exhibit A

Handwritten notes and stamps at the top right, including 'APPROVED' and 'FORM 3/8'.

BLDG FORM 3/8

2007-03-08-5810 APPLICATION NUMBER

OSHA APPROVAL REQD

APPLICATION FOR BUILDING PERMIT ADDITIONS, ALTERATIONS OR REPAIRS

CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF BUILDING INSPECTION

FORM 3 [X] OTHER AGENCIES REVIEW REQUIRED

APPLICATION IS HEREBY MADE TO THE DEPARTMENT OF BUILDING INSPECTION OF SAN FRANCISCO FOR PERMISSION TO BUILD IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS SUBMITTED HERewith AND ACCORDING TO THE DESCRIPTION AND ON THE PURPOSE HEREINAFTER SET FORTH.

FORM 8 [] OVER-THE-COUNTER ISSUANCE

2 + Ref. 3/16/08 NUMBER OF PLAN SETS

DO NOT WRITE ABOVE THIS LINE

Table with permit details: DATE FILED, PERMIT NO., (1) STREET ADDRESS OF JOB, (2) ESTIMATED COST OF JOB, (3) BLOCK & LOT, (4) OCCUP. CLASS, (5) TYPE OF DWELLING UNIT.

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING and DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION. Includes fields for type of constr., no. of stories, and proposed use.

GENERAL CONTRACTOR, OWNER, and ADDRESS information.

Handwritten notes: 'ELECTRICAL REVISIONS', 'FLUORESCENT LIGHTS', 'PERMIT APPLICATION REFER TO ORIGINAL PERMIT # 200606275168', 'THIS PERMIT FOR ARCHITECTURAL AND ELECTRICAL REVISIONS ONLY'.

ADDITIONAL INFORMATION section with various checkboxes for height, sidewalk, and other building details.

ARCHITECT OR ENGINEER DESIGN and CONSTRUCTION LEADER information.

IMPORTANT NOTICES: No change shall be made in the character of the occupancy... Building not to be occupied until certificate of final completion is posted... Approval of this application does not constitute an approval for the electrical wiring or plumbing installations.

NOTICE TO APPLICANT: HOLD HARMLESS CLAUSE. The permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claim, demands and actions for damages resulting from operations under the permit... I hereby affirm under penalty of perjury one of the following declarations: 1. I have and will maintain a certificate of constant to self-insure for workers' compensation...

APPLICANT'S CERTIFICATION: I HEREBY CERTIFY AND AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THERE TO WILL BE COMPLIED WITH.

Signature of Applicant or Agent: Kenneth Park, dated 3/2/07.

OFFICIAL COPY

SAN FRANCISCO

DEPARTMENT OF BUILDING INSPECTION

CONDITIONS AND STIPULATIONS

REFER TO:

Project the district building inspector at the start of work call 555-0098. For plumbing inspection scheduling call 555-0098. For electrical inspection scheduling call 555-0098. If application is approved without site inspection, detailed plumbing or electrical plan review and does not constitute an approval of the building. Work authorized must be done in accordance with all applicable codes. Any electrical or plumbing work shall require appropriate separate permits.

M. Walls
MARK WALLS, DBI

MAR 28 2007

BUILDING INSPECTOR, DEPT. OF BLDG. INSPECTION

DATE: _____

REASON: _____

NOTIFIED MR. _____

APPROVED:

N/A *M. Walls* 3/8/07

DEPARTMENT OF CITY PLANNING

DATE: _____

REASON: _____

NOTIFIED MR. _____

APPROVED:

N/A *M. Walls*

MARK WALLS, DBI

BUREAU OF FIRE PREVENTION

DATE: 3-28-07

REASON: _____

NOTIFIED MR. _____

APPROVED:

AS PER PLAN & APPLICATION

JEFF LAI, DBI

APR 03 2007

MECHANICAL ENGINEER, DEPT OF BLDG. INSPECTION

DATE: _____

REASON: _____

NOTIFIED MR. _____

APPROVED:

SINCE CASE FILED
1002 PFD (200)

CIVIL ENGINEER, DEPT OF BLDG INSPECTION

DATE: _____

REASON: _____

NOTIFIED MR. _____

APPROVED:

BUREAU OF ENGINEERING

DATE: _____

REASON: _____

NOTIFIED MR. _____

APPROVED:

1002 PFD (200)

DEPARTMENT OF PUBLIC HEALTH

DATE: _____

REASON: _____

NOTIFIED MR. _____

APPROVED:

REDEVELOPMENT AGENCY

DATE: _____

REASON: _____

NOTIFIED MR. _____

APPROVED:

HOUSING INSPECTION DIVISION

DATE: _____

REASON: _____

NOTIFIED MR. _____

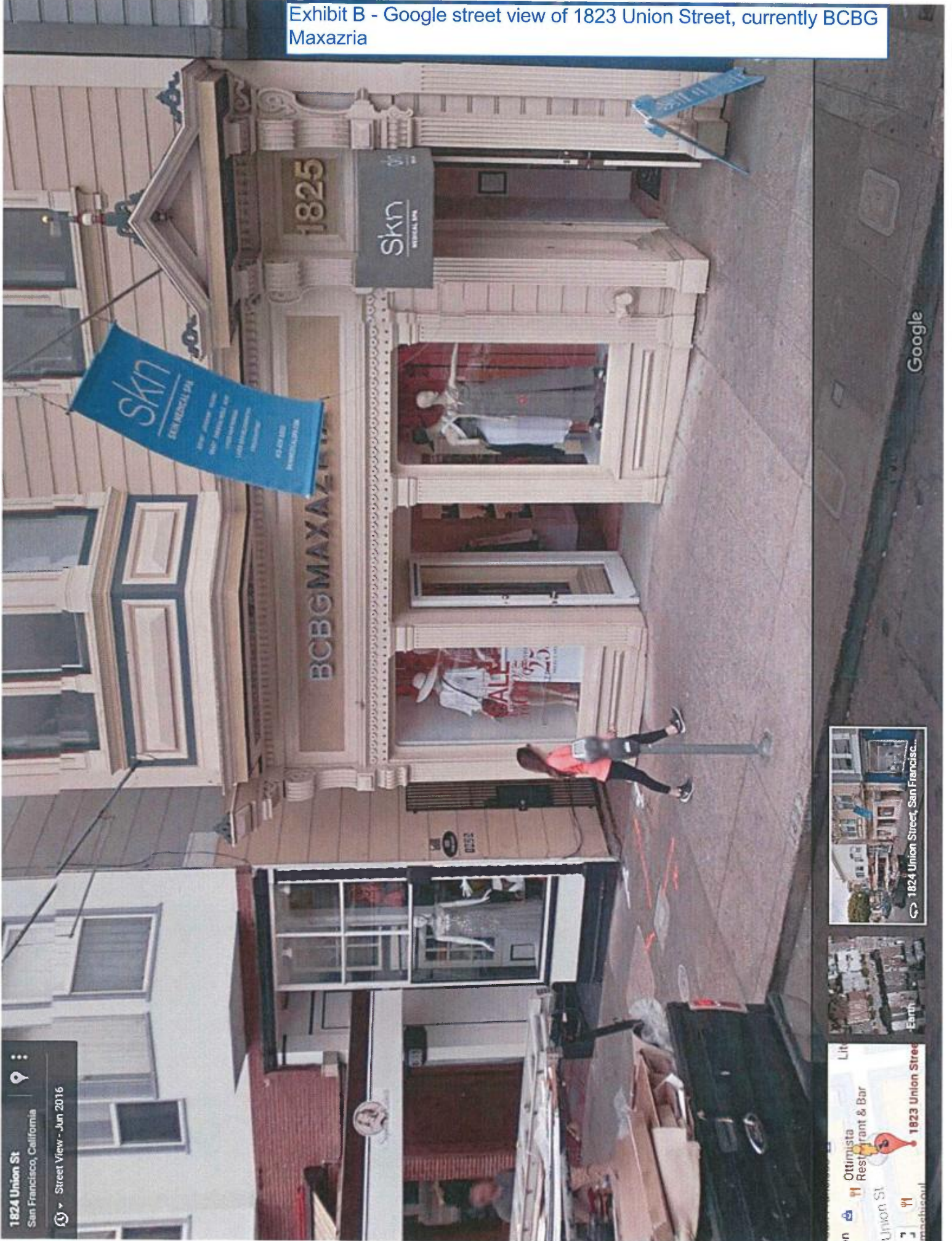
I agree to comply with all conditions or stipulations of the various bureaus or department noted on this application, and attached statements of conditions or stipulations, which are hereby made a part of this application.

Number of attachments

OWNER'S AUTHORIZED AGENT

HOLD SECTION - NOTE DATES AND NAMES OF ALL PERSONS NOTIFIED DURING PROCESSING

Exhibit B - Google street view of 1823 Union Street, currently BCBG Maxazria



San Francisco Planning Code

SEC. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

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

The Union Street District controls are designed to provide sufficient growth opportunities for commercial development that is in keeping with the existing scale and character, promote continuous retail frontage, and protect adjacent residential livability. Small-scale buildings and neighborhood-serving uses are promoted, and rear yards above the ground story and at all residential levels are protected. Most commercial development is permitted at the first two stories of new buildings, while retail service uses are monitored at the third story and above. Controls are necessary to preserve the remaining convenience businesses and to reduce the cumulative impacts which the growth of certain uses have on neighborhood residents. Such controls prohibit additional drinking establishments and limit additional eating establishments, entertainment, and financial service uses. Most automobile and drive-up uses are prohibited in order to maintain continuous retail frontage and minimize further traffic congestion.

Housing development in new buildings is encouraged above the second story. Existing residential units are protected by limitations on demolitions and upper-story conversions. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.

**Table 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

<i>No.</i>	<i>Zoning Category</i>	<i>§ References</i>	<i>Union Street Controls</i>
BUILDING STANDARDS			
725.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250 - 252, 260, 261.1, 270, 271	40-X Height Sculpting on Alleys: § 261.1
725.11	Lot Size [Per Development]	§§ 121.1, 790.56	P up to 4,999 sq. ft. C 5,000 sq. ft. & above § 121.1
725.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a) (e)
725.13	Street Frontage	§ 145.1	Required
725.14	Awning	§ 136.1(a)	P
725.15	Canopy	§ 136.1(b)	P
725.16	Marquee	§ 136.1(c)	P

725.17	Streetscape and Pedestrian Improvements	§ 138.1	Required
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
725.20	Floor Area Ratio	§§ 102.9, 102.11, 123	3.0 to 1 § 124(a) (b)
725.21	Use Size [Non-Residential]	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above § 121.2
725.22	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)
725.23	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)
725.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2
725.25	Drive-Up Facility	§ 790.30	
725.26	Walk-Up Facility	§ 790.140	P
725.27	Hours of Operation	§ 790.48	P 6 a.m. - 2 a.m. C 2 a.m. - 6 a.m.
725.30	General Advertising Sign	§§ 262, 602 - 604, 608, 609	
725.31	Business Sign	§§ 262, 602 - 604, 608, 609	P § 607.1(f) 2
725.32	Other Signs	§§ 262, 602 - 604, 608, 609	P § 607.1(c) (d) (g)
725.33A	Wireless Telecommunications Services Facility	§ 102	C if a Macro WTS Facility; P if a Micro WTS Facility

No.	Zoning Category	§ References	Union Street Controls by Story		
			1st	2nd	3rd+
		§ 790.118			

Retail Sales and Services

725.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	P	
725.41	Bar	§ 790.22			
725.43	Limited-Restaurant	§ 790.90	C #		
725.44	Restaurant	§ 790.91	C #		
725.45	Liquor Store	§ 790.55	C		
725.46	Movie Theater	§ 790.64	P		
725.47	Adult Entertainment	§ 790.36			
725.48	Other Entertainment	§ 790.38	C		
725.49	Financial Service	§ 790.110	P	C	
725.50	Limited Financial Service	§ 790.112	P		
725.51	Medical Service	§ 790.114	P	P	C
725.52	Personal Service	§ 790.116	P	P	C
725.53	Business or Professional Service	§ 790.108	P	P	C
725.54	Massage Establishment	§ 790.60, §§ 29.1-29.32			

		Health Code			
725.55	Tourist Hotel	§ 790.46	C	C	C
725.56	Automobile Parking	§§ 156, 160, 790.8	C	C	C
725.57	Automotive Gas Station	§ 790.14			
725.58	Automotive Service Station	§ 790.17			
725.59	Automotive Repair	§ 790.15			
725.60	Automotive Wash	§ 790.18			
725.61	Automobile Sale or Rental	§ 790.12			
725.62	Animal Hospital	§ 790.6	C		
725.63	Ambulance Service	§ 790.2			
725.64	Mortuary	§ 790.62			
725.65	Trade Shop	§ 790.124	P	C	
725.66	Storage	§ 790.117			
725.68	Fringe Financial Service	§ 790.111			
725.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
725.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.4			
725.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
725.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
Institutions and Non-Retail Sales and Services					
725.70	Administrative Service	§ 790.106			
725.80	Hospital or Medical Center	§ 790.44			
725.81	Other Institutions, Large	§ 790.50	P	C	C
725.82	Other Institutions, Small	§ 790.51	P	P	P
725.83	Public Use	§ 790.80	C	C	C
725.84	Medical Cannabis Dispensary	§ 790.141	P		
RESIDENTIAL STANDARDS AND USES					
725.90	Residential Use	§ 790.88	P	P	P
725.91	Dwelling Unit Density	§ 207	Generally, up to 1 unit per 600 sq. ft. lot area § 207(c) #		
725.92	Residential Density, Group Housing	§§ 207, 208	Generally, up to 1 bedroom per 210 sq. ft. lot area § 208		
725.92b	Residential Density, Homeless Shelters	§§ 102, 207.1, 790.88(c)	Density limits per Section 208(a)		
725.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 80 sq. ft if private, or 100 sq. ft. if common § 135(d)		
725.94	Off-Street Parking, Residential	§§ 150, 153 - 157, 159 - 160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
725.95	Community Residential Parking	§ 790.10	C	C	C
725.96	Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger	§ 317	C		

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

<u>Article 7 Code Section</u>	<u>Other Code Section</u>	<u>Zoning Controls</u>
§ 725.44	§ 790.91	<p>UNION STREET 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: The Planning Commission may approve a restaurant if, in addition to meeting the criteria set forth in Section 303, (1) the use is located on the ground floor, and (2) the Planning Commission finds that an additional restaurant would not result in a net total of more than 44 Restaurants in the Union Street Neighborhood Commercial District. The Planning Department shall apply Article 7 zoning controls for Union Street Restaurants to conditional use authorizations required by Planning Code § 178, including but not limited to significant alterations, modifications, and intensifications of use. 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 located within the Union Street NCD to another 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.</p>
§ 725.68	§ 249.35	<p>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</p> <p>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Union Street Neighborhood Commercial District.</p> <p>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>
§ 725 § 725.91	§ 207(c)(4)	<p>ACCESSORY DWELLING UNITS</p> <p>Boundaries: Within the boundaries of the Union Street NCD.</p> <p>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4), is permitted to be constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot, provided that it does not eliminate or reduce a ground-story retail or commercial space.</p>

(Added by Ord. 69-87, App. 3/13/87; amended by Ord. 445-87, App. 11/12/87; Ord. 412-88, App. 9/10/88; Ord. 87-00, File No. 991963, App. 5/19/2000; Ord. 260-00, File No. 001424, App. 11/17/2000; Ord. 275-05, File No. 051250, App. 11/30/2005; Ord. 289-06, File No. 050176, App. 11/20/2006; Ord. 269-07, File No. 070671, App. 11/26/2007; Ord. 244-08, File No. 080567, App. 10/30/2008; Ord. 245-08, File No. 080696; Ord. 8-09, File No. 080872, App. 1/16/2009; Ord. 51-09, File No. 081620, App. 4/2/2009; Ord. 98-09, File No. 090274, App. 6/19/2009; Ord. ~~66-11~~, File No. 101537, App. 4/20/2011, Eff. 5/20/2011; Ord. ~~140-11~~, File No. 110482, App. 7/5/2011, Eff. 8/4/2011; Ord. ~~75-12~~, File No. 120084, App. 4/23/2012, Eff. 5/23/2012; Ord. ~~214-12~~, File No. 120773, App. 10/9/2012, Eff. 11/8/2012; Ord. ~~56-13~~, File No. 130062, App. 3/28/2013, Eff. 4/27/2013; Ord. ~~287-13~~, File No. 130041, App. 12/26/2013, Eff. 1/25/2014; Ord. ~~235-14~~, File No. 140844, App. 11/26/2014, Eff. 12/26/2014; Ord. ~~14-15~~, File No. 141210, App. 2/13/2015, Eff. 3/15/2015; Ord. ~~20-15~~, File No. 110548, App. 2/20/2015, Eff. 3/22/2015; redesignated and amended by Ord. ~~30-15~~, File No. 140954, App. 3/26/2015, Eff. 4/25/2015; amended by Ord. ~~33-16~~, File No. 160115, App. 3/11/2016, Eff. 4/10/2016; Ord. ~~162-16~~, File No. 160657, App. 8/4/2016, Eff. 9/3/2016; Ord. ~~166-16~~, File No. 160477, App. 8/11/2016, Eff. 9/10/2016)

AMENDMENT HISTORY

Zoning Control Table: 725.69C and 725.69D added; Ord. 66-11, Eff. 5/20/2011. Zoning Control Table: 725.10, 725.17, and 725.42 amended; Specific Provisions: 725.68 added; Ord. 140-11, Eff. 8/4/2011. Zoning Control Table: 725.43 and 725.44 amended, former categories 725.42, 725.67, and 725.69A deleted; Specific Provisions: 725.44 amended, 725.44, 725.69B deleted; Ord. 75-12, Eff. 5/23/2012. Zoning Control Table: 725.43 and 725.69B amended; Specific Provisions: 725.44 amended; Ord. 214-12, Eff. 11/8/2012. Zoning Control Table: 725.13 and 725.69B amended; Specific Provisions: 725.44 amended; Ord. 56-13, Eff. 4/27/2013. Zoning Control Table: former categories 725.38 and 725.39 redesignated as 725.36 and 725.37 and amended; Ord. 287-13, Eff. 1/25/2014. Zoning Control Table: 725.26 and 725.49 amended; Ord. 235-14, Eff. 12/26/2014. Zoning Control Table: 725.92b added; Ord. 14-15, Eff. 3/15/2015. Zoning Control Table: 725.14, 725.15, 725.16, and 725.17 amended; Ord. 20-15, Eff. 3/22/2015. Section redesignated (formerly Sec. 725.1); Zoning Control Table: 725.54, 725.91, and 725.92 amended; Ord. 30-15, Eff. 4/25/2015. Zoning Control Table: former categories 725.36 and 725.37 deleted, 725.96 added; Ord. 33-16, Eff. 4/10/2016. Introductory material amended; Zoning Control Table: 725.91 amended; Specific Provisions: 725.91 added; Ord. 162-16, Eff. 9/3/2016. Zoning Control Table: 725.33A added; Ord. 166-16, Eff. 9/10/2016.