

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: William Scott, Police Chief, Police Department  
Barbara A. Garcia, Director, Department of Public Health

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: October 24, 2017

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Peskin on October 17, 2017:

**File No. 171108**

**Ordinance amending the Planning Code to regulate restaurant and bar uses in the Jackson Square Special Use District; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of public necessity, convenience, and welfare under Planning Code, Section 302; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [erica.major@sfgov.org](mailto:erica.major@sfgov.org).

c: Rowena Carr, Police Department  
Kristine Demafeliz, Police Department  
Greg Wagner, Department of Public Health  
Colleen Chawla, Department of Public Health

1 [Planning Code - Jackson Square Special Use District]

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3 **Ordinance amending the Planning Code to regulate restaurant and bar uses in the**  
4 **Jackson Square Special Use District; affirming the Planning Department's**  
5 **determination under the California Environmental Quality Act; making findings of**  
6 **public necessity, convenience, and welfare under Planning Code, Section 302; and**  
7 **making findings of consistency with the General Plan, and the eight priority policies of**  
8 **Planning Code, Section 101.1.**

9 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
10 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
11 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
12 **Board amendment additions** are in double-underlined Arial font.  
13 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
14 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
15 subsections or parts of tables.

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

17 Section 1. Findings.

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

23 (b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_, adopted findings  
24 that the actions contemplated in this ordinance are consistent, on balance, with the City's  
25 General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts

1 these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of  
2 Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, this Board finds that this Planning Code  
4 Amendment will serve the public necessity, convenience, and welfare for the reasons set forth  
5 in Planning Commission Resolution No. \_\_\_\_\_, and the Board incorporates such reasons  
6 herein by reference. A copy of Planning Commission Resolution No. \_\_\_\_\_ is on file with the  
7 Board of Supervisors in File No. \_\_\_\_\_.

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9 Section 2. The Planning Code is hereby amended by revising Section 249.25, to read  
10 as follows:

11 **SEC. 249.25. JACKSON SQUARE SPECIAL USE DISTRICT.**

12 \* \* \* \*

13 (b) Controls.

14 (1) General. The provisions of the C-2 use district as established in Section  
15 210.2 and applicable provisions of the Washington-Broadway Special Use Districts (Section  
16 239), and the Chinatown Community Business District (Section 810.1), shall prevail except as  
17 provided in paragraphs (2) and (3) below.

18 (2) Conditional Uses.

19 (A) Office Uses Business Services and Institutional Uses as set forth in  
20 Section 102 of this Code at the ground floor are subject to Conditional Use authorization  
21 pursuant to Section 303 of this Code, provided, however, that building lobbies, entrances, and  
22 exits to and from the basement, ground floor, or upper floors, and other reasonably-sized  
23 common areas at the ground floor shall be permitted without Conditional Use authorization. In  
24 addition to the findings required under Section 303(c) for Conditional Use authorization, the  
25 Commission shall make the following findings:

1 (i) The use shall be necessary to preserve the historic resource  
2 and no other use can be demonstrated to preserve the historic resource.

3 (ii) The use shall be compatible with, and shall enhance, the  
4 unique retail character of the District.

5 (B) Subsection (b)(2)(A) shall not apply to any use that fronts Pacific  
6 Street.

7 (C) Restaurants, Limited Restaurants, and Bars. Restaurant and Bar uses may  
8 be permitted as a Conditional Use on the First Story through the procedures set forth in Section 303 if  
9 the Zoning Administrator determines that the Restaurant, Limited Restaurant, or Bar would occupy a  
10 space that is currently or was last legally occupied by the uses described below; provided that such use  
11 has not been discontinued or abandoned pursuant to Sections 186.1(d) or 178(d) of this Code; and  
12 provided further that no Conditional Use shall be required if the use remains the same as the prior  
13 authorized use, with no enlargement or intensification of use:

14 (i) A Bar may occupy a space that is currently or last legally  
15 occupied by a Bar;

16 (ii) A Restaurant may occupy a space that is currently or was last  
17 legally occupied by a Restaurant or Bar; and

18 (iii) A Limited Restaurant may occupy a space that is currently or was  
19 last legally occupied by a Limited Restaurant, Restaurant or Bar.

20 (iv) Except as provided herein, no other use shall be allowed to  
21 convert to a Limited Restaurant, Restaurant or Bar.

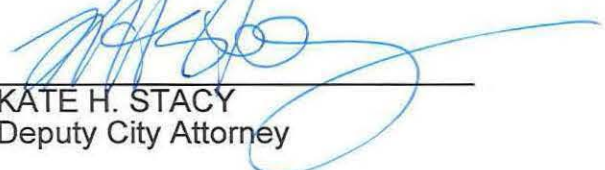
22 (3) Prohibited Uses. Adult Businesses, as defined in Section 102 of this Code,  
23 are prohibited.

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Section 3. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

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

By:   
KATE H. STACY  
Deputy City Attorney

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**LEGISLATIVE DIGEST**

[Planning Code - Jackson Square Special Use District]

**Ordinance amending the Planning Code to regulate restaurant and bar uses in the Jackson Square Special Use District; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of public necessity, convenience, and welfare under Planning Code, Section 302; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

Existing Law

Restaurants, Limited Restaurants and Bars are generally permitted uses in the Jackson Square Special Use District, and in some areas Limited Restaurants and Bars are conditionally permitted uses.

Amendments to Current Law

This legislation would restrict Restaurants, Limited Restaurants and Bars as follows.

Restaurant and Bar uses would be permitted as a Conditional Use on the First Story if the Zoning Administrator determines that the Restaurant, Limited Restaurant, or Bar would occupy a space that is currently or was last legally occupied by the uses described below; provided that the use has not been discontinued or abandoned pursuant to Sections 186.1(d) or 178(d) of this Code; and provided further that no Conditional Use shall be required if the use remains the same as the prior authorized use, with no enlargement or intensification of use:

- (i) A Bar may occupy a space that is currently or last legally occupied by a Bar;
- (ii) A Restaurant may occupy a space that is currently or was last legally occupied by a Restaurant or Bar; and
- (iii) A Limited Restaurant may occupy a space that is currently or was last legally occupied by a Limited Restaurant, Restaurant or Bar.
- (iv) No other use would be allowed to convert to a Limited Restaurant, Restaurant or Bar.