

BOARD of SUPERVISORS



City Hall
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MEMORANDUM

TO: Regina Dick-Endrizzi, Director
Small Business Commission, City Hall, Room 448

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

DATE: October 24, 2017

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

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.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

No Comment

Recommendation Attached

Chairperson, Small Business Commission

c: Menaka Mahajan, Small Business Commission

1 [Planning Code - Jackson Square Special Use District]

2
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. _____.

8
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.

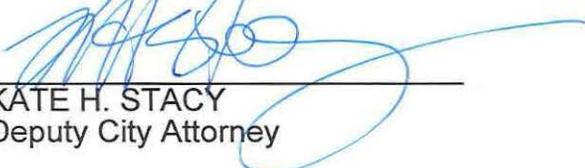
22 (3) Prohibited Uses. Adult Businesses, as defined in Section 102 of this Code,
23 are prohibited.

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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.