

File No. 191257 Committee Item No. 1  
 Board Item No. 23

**COMMITTEE/BOARD OF SUPERVISORS**  
 AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date January 27, 2020

Board of Supervisors Meeting Date 2/4/2020  
 Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
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| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
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**OTHER (Use back side if additional space is needed)**

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Referral CEQA 121719         |
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | CEQA Determination 011720    |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Committee Report Memo 012320 |
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Completed by: Erica Major Date January 23, 2020  
 Completed by: Erica Major Date January 28, 2020

BOARD of SUPERVISORS



City Hall  
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

### LAND USE AND TRANSPORTATION COMMITTEE SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Aaron Peskin, Chair, Land Use and Transportation Committee

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

DATE: January 28, 2020

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**  
Tuesday, January 28, 2020

The following file should be presented as a **COMMITTEE REPORT** at the Board meeting, Tuesday, January 28, 2020. This item was acted upon at the Committee Meeting on Monday, January 27, 2020, at 1:30 p.m., by the votes indicated.

**Item No. 54**                      **File No. 192157**

Ordinance amending the Planning Code to allow authorization of a Limited Restaurant use in the Jackson Square Special Use District that does not comply with the current requirements for a Limited Restaurant use if a building permit application furthering the establishment of such use was filed by July 19, 2018; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

#### RECOMMENDED AS A COMMITTEE REPORT

Vote: Supervisor Aaron Peskin - Aye  
Supervisor Ahsha Safai - Aye  
Supervisor Dean Preston - Aye

c: Board of Supervisors  
Angela Calvillo, Clerk of the Board  
Alisa Somera, Legislative Deputy  
Anne Pearson, Deputy City Attorney

1 [Planning Code - Jackson Square Special Use District - Exemption from Limitation on  
2 Proposed Limited Restaurant Uses]

3 **Ordinance amending the Planning Code to allow authorization of a Limited Restaurant**  
4 **use in the Jackson Square Special Use District that does not comply with the current**  
5 **requirements for a Limited Restaurant use if a building permit application furthering**  
6 **the establishment of such use was filed by July 19, 2018; affirming the Planning**  
7 **Department's determination under the California Environmental Quality Act; making**  
8 **findings of consistency with the General Plan, and the eight priority policies of**  
9 **Planning Code, Section 101.1; and adopting findings of public necessity, convenience,**  
10 **and welfare under Planning Code, Section 302.**

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

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

19 Section 1. Findings.

20 (a) The Planning Department has determined that the actions contemplated in this  
21 ordinance comply with the California Environmental Quality Act (California Public Resources  
22 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
23 Supervisors in File No. 191257 and is incorporated herein by reference. The Board affirms  
24 this determination.

25 (b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_,  
adopted findings The Board of Supervisors finds that the actions contemplated in this

1 ordinance are consistent, on balance, with the City's General Plan. Objective 2 of the  
2 Commerce and Industry Element is to maintain and enhance a sound and diverse economic  
3 base for the City; Policy 2.1 seeks to retain existing commercial and industrial activity and to  
4 attract new such activity to the City. Objective 6 of the Commerce and Industry Element is to  
5 maintain and strengthen viable neighborhood commercial areas easily accessible to City  
6 residents; Policy 6.1 seeks to ensure and encourage the retention and provision of  
7 neighborhood-serving goods and services in the City's neighborhood commercial districts,  
8 while recognizing and encouraging diversity among the districts and Policy 6.2 seeks to  
9 promote economically vital neighborhood commercial districts which foster small business  
10 enterprises and entrepreneurship.

11 (c) The Board of Supervisors finds that the actions contemplated in this ordinance  
12 are consistent, on balance, with the and eight priority policies of Planning Code Section  
13 101.1(b) in that the proposed ordinance will provide opportunities for resident employment in  
14 and ownership of neighborhood-serving retail (Policy 1). The proposed ordinance will not have  
15 an adverse effect on existing housing or neighborhood character (Policy 2), the City's supply  
16 of affordable housing (Policy 3), the City's Landmarks and historic buildings (Policy 7), or the  
17 City's parks and open spaces (Policy 8). The proposed ordinance will not cause commuter  
18 traffic to impede MUNI transit service or overburden the streets or neighborhood parking  
19 (Policy 4), cause displacement of the industrial or service sectors due to office development,  
20 or affect future opportunities for resident employment or ownership in those sectors (Policy 5).  
21 The proposed ordinance will have no effect on the City's ability to protect against injury or loss  
22 of life in an earthquake (Policy 6). The Board adopts these findings as its own. A copy of said  
23 Resolution is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_, and is  
24 incorporated herein by reference.  
25

1 (d e) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this  
2 ordinance will serve the public necessity, convenience, and general welfare because it will  
3 provide an exception from newly-enacted controls that is limited in time. It will not impact the  
4 purpose of the new controls since a Limited Restaurant Use is less intensive than a full-  
5 service restaurant or bar and would have less of an impact on the neighborhood and  
6 surrounding uses for the reasons set forth in Planning Commission Resolution No. \_\_\_\_\_.

7  
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 In order to provide for the protection and enhancement of specialty retail and antique  
13 store uses in the Jackson Square area, there shall be established the Jackson Square Special  
14 Use District as designated on Sectional Map No. SU01 of the Zoning Map. The boundaries of  
15 this Special Use District shall be coterminous with the boundaries of the Jackson Square  
16 Historic District as established by Appendix B to Article 10 of this Code and further described  
17 in Section 3 of that Appendix, and shall also include Lot 4 of Block 195. The following  
18 provisions shall apply within the Jackson Square Special Use District:

19 \* \* \* \*

20 (b) **Controls.**

21 (1) **General.** The provisions of the C-2 use district as established in Section  
22 210.2 and applicable provisions of the Washington-Broadway Special Use Districts (Section  
23 239), and the Chinatown Community Business District (Section 810), shall prevail except as  
24 provided in paragraphs (2) and (3) below.

25 (2) **Conditional Uses.**

1 (A) Office Uses, Business Services, and Institutional Uses. Office Uses,  
2 Business Services, and Institutional Uses, as ~~set forth~~ defined in Section 102 of this Code, at  
3 the ground floor are subject to Conditional Use authorization pursuant to Section 303 of this  
4 Code, provided, however, that building lobbies, entrances, and exits to and from the  
5 basement, ground floor, or upper floors, and other reasonably-sized common areas at the  
6 ground floor shall be permitted without Conditional Use authorization. In addition to the  
7 findings required under Section 303(c) for Conditional Use authorization, the Commission  
8 shall make the following findings:

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

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

13 (B) **Restaurants, Limited Restaurants, and Bars.** Restaurant,  
14 Limited Restaurant, and Bar uses may be permitted as a Conditional Use on the First Story  
15 through the procedures set forth in Section 303 only if the Zoning Administrator first  
16 determines that the proposed new Restaurant, Limited Restaurant, or Bar would occupy a  
17 space that is currently or was last legally occupied by one of the uses described below;  
18 provided that its last use has not been discontinued or abandoned pursuant to Sections  
19 186.1(d) or 178(d) of this Code and that the proposed new use will not enlarge the space; and  
20 provided further that no Conditional Use shall be required if the use remains the same as the  
21 prior authorized use, with no enlargement or intensification of use:

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

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

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

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

5 (C) Exception for Certain Proposed Limited Restaurant Uses. A proposed  
6 Limited Restaurant use is Principally Permitted, shall not be required to obtain a Conditional Use  
7 authorization pursuant to subsection (b)(2)(B) above, and shall not be subject to the limitation of  
8 subsection (b)(2)(B)(iii) above if an application for a building permit necessary for the establishment of  
9 such use was filed with the City by July 19, 2018.

10 (3) **Prohibited Uses.** Adult Businesses, as defined in Section 102 of this Code,  
11 are prohibited.

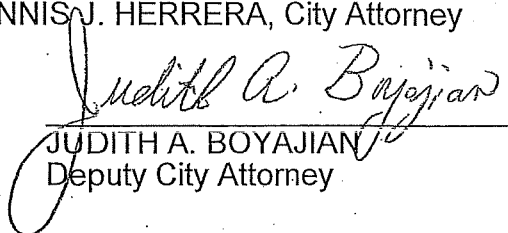
12  
13 Section 3. Effective Date. This ordinance shall become effective 30 days after  
14 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
15 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
16 of Supervisors overrides the Mayor's veto of the ordinance.

17  
18 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
19 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
20 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
21 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
22  
23  
24  
25

1 additions, and Board amendment deletions in accordance with the "Note" that appears under  
2 the official title of the ordinance.

3  
4 APPROVED AS TO FORM:  
5 DENNIS J. HERRERA, City Attorney

6 By:

  
7 JUDITH A. BOYAJIAN  
8 Deputy City Attorney

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**REVISED LEGISLATIVE DIGEST**

(Amended in Board, 1/28/2020)

[Planning Code - Jackson Square Special Use District - Exemption from Limitation on Proposed Limited Restaurant Uses]

**Ordinance amending the Planning Code to allow authorization of a Limited Restaurant use in the Jackson Square Special Use District that does not comply with the current requirements for a Limited Restaurant use if a building permit application furthering the establishment of such use was filed by July 19, 2018; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.**

Existing Law

Planning Code Section 249.25 established the Jackson Square Special Use District and imposed specific controls on Office Uses, Business Services, and Institutional Uses. In March, 2018, Ordinance No. 47-18, was enacted imposing new controls on Restaurant, Limited Restaurant, and Bar uses. The new controls allow new Restaurants, Limited Restaurants, and Bar uses on the First Story as a Conditional Use but only if (1) the Zoning Administrator first determines that the space the proposed use will occupy was last legally occupied by a Restaurant, Limited Restaurant, or Bar, whichever use or uses are applicable, and (2) the proposed new use will not enlarge the space. For a proposed Limited Restaurant, it may only be authorized if it will occupy a space that is currently or was last legally occupied by a Limited Restaurant, Restaurant, or Bar. A Conditional Use is not required if the use remains the same as the prior authorized use, with no enlargement or intensification of use.

Amendments to Current Law

This ordinance will amend Section 249.25 to provide an exception from the current requirements for a proposed Limited Restaurant use if an application for a building permit necessary for the establishment of such use was filed with the City by July 19, 2018.

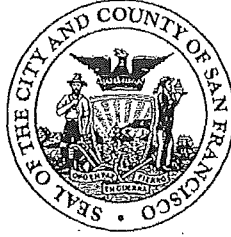
Background Information

The sponsors of new restaurant and bar uses often obtain financing, negotiate leases, and prepare plans for use of the space well before filing an application for a tenant improvement or other City permits. Since a Limited Restaurant use is less intensive than a full-service Restaurant or Bar use, it would have less of an impact on the neighborhood and surrounding uses. This ordinance creates an exception from the newly-enacted controls for a proposed Limited Restaurant use that is limited in time and will not impact the purpose of the newly-enacted controls.

FILE NO. 191257

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BOARD of SUPERVISORS



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

December 17, 2019

File No. 191257

Lisa Gibson  
Environmental Review Officer  
Planning Department  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Ms. Gibson:

On December 10, 2019, Supervisor Peskin introduced the following proposed legislation:

**File No. 191257**

**Ordinance amending the Planning Code to allow authorization of a Limited Restaurant use in the Jackson Square Special Use District that does not comply with the current requirements for a Limited Restaurant use if a building permit application furthering the establishment of such use was filed by July 19, 2018; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in black ink, appearing to read "Erica Major".

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

Attachment

c: Joy Navarrete, Environmental Planning  
Don Lewis, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15060(c)(2) and 15378 because it would not result in a direct or indirect physical change in the environment.  
Joy Navarrete 1/17/2020

---

**From:** Starr, Aaron (CPC)  
**Sent:** Thursday, January 16, 2020 4:59 PM  
**To:** Major, Erica (BOS)  
**Cc:** Flores, Veronica (CPC); Somera, Alisa (BOS); Peskin, Aaron (BOS); Hepner, Lee (BOS)  
**Subject:** Board File 191257

Erica,

Today, the Planning Commission waived their opportunity to hear Board File 191257: *Jackson Square Special Use District - Exemption from Limitation on Proposed Limited Restaurant Uses*, because the ordinance is very limited in scope and impact. The ordinance can be scheduled at committee once the 30-day hold is over.

Sincerely,

**Aaron Starr, MA**  
**Manager of Legislative Affairs**

Planning Department, City and County of San Francisco  
1650 Mission Street, Suite 400, San Francisco, CA 94103  
**Direct:** 415-558-6362 **Fax:** 415-558-6409  
**Email:** [aaron.starr@sfgov.org](mailto:aaron.starr@sfgov.org)  
**Web:** [www.sfplanning.org](http://www.sfplanning.org)



Member, Board of Supervisors  
District 3



RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
City and County of San Francisco  
2020 JAN 25 AM 11:14

copy  
w/ clerk  
leg rep  
leg clerks

**AARON PESKIN**  
佩斯金 市參事

Date 01/23/2020  
@ 9:23 AM  
Jun J

---

DATE: January 21, 2020  
TO: Angela Calvillo  
Clerk of the Board of Supervisors  
FROM: Supervisor Aaron Peskin, Chair, Land Use and Transportation Committee  
RE: Land Use and Transportation Committee  
COMMITTEE REPORTS

---

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matters are of an urgent nature and request they be considered by the full Board on Tuesday, January 28, 2020, as Committee Reports:

**191257 Planning Code - Jackson Square Special Use District - Exemption from Limitation on Proposed Limited Restaurant Uses**

Ordinance amending the Planning Code to allow authorization of a Limited Restaurant use in the Jackson Square Special Use District that does not comply with the current requirements for a Limited Restaurant use if a building permit application furthering the establishment of such use was filed by July 19, 2018; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

**191252 Resolution of Intent for Street Vacation - 301 Mission Street Millennium Tower**

*Jun*

Resolution declaring the intent of the Board of Supervisors to order the vacation of the sidewalk portion of streets on the south side of Mission Street, at the intersection of Mission and Fremont Streets, and on the east side of Fremont Street at the same intersection to allow a structural upgrade of the 301 Mission Street high-rise building known as Millennium Tower; and setting the Board of Supervisors hearing date, sitting as a Committee of the Whole, for all persons interested in the proposed vacation of said street areas.

These matters will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, January 27, 2020, at 1:30 p.m.

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

December 17, 2019

Planning Commission  
Attn: Jonas Ionin  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Commissioners:

On December 10, 2019, Supervisor Peskin submitted the following proposed legislation:

**File No. 191257**

**Ordinance amending the Planning Code to allow authorization of a Limited Restaurant use in the Jackson Square Special Use District that does not comply with the current requirements for a Limited Restaurant use if a building permit application furthering the establishment of such use was filed by July 19, 2018; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.**

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

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

c: John Rahaim, Director  
Scott Sanchez, Acting Deputy Zoning Administrator  
Corey Teague, Zoning Administrator  
Lisa Gibson, Environmental Review Officer  
Devyani Jain, Deputy Environmental Review Officer  
Adam Varat, Acting Director of Citywide Planning  
Dan Sider, Director of Executive Programs  
Aaron Starr, Manager of Legislative Affairs  
Joy Navarrete, Environmental Planning  
Don Lewis, Environmental Planning

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Environmental Review Officer  
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Dear Ms. Gibson:

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This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in black ink, appearing to read "Erica Major".

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

Attachment

c: Joy Navarrete, Environmental Planning  
Don Lewis, Environmental Planning

Print Form

# Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED  
 BOARD OF SUPERVISORS  
 SAN FRANCISCO  
 2019 DEC 10 PM 4:57  
 Time stamp  
 or meeting date AK

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [ ] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Topic submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Peskin

Subject:

[Planning Code - Jackson Square Special Use District - Exemption from Limitation on Proposed Limited Restaurant Uses]

The text is listed:

Ordinance amending the Planning Code to allow authorization of a Limited Restaurant use in the Jackson Square Special Use District that does not comply with the current requirements for a Limited Restaurant use if a building permit application furthering the establishment of such use was filed by July 19, 2018; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Signature of Sponsoring Supervisor:

For Clerk's Use Only