

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.

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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. _____.

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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 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.

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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.

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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

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

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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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