

File No. 171108

Committee Item No. 2

Board Item No. 6

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date February 12, 2018

Board of Supervisors Meeting

Date March 6, 2018

### Cmte Board

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Memorandum of Understanding (MOU)            |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 126 - Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 700                                     |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Vacancy Notice                               |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Information Sheet                            |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence                        |

### OTHER

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- |                                     |                                     |                                  |
|-------------------------------------|-------------------------------------|----------------------------------|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>CEQA Determination</u>        |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Planning Resolution 20088</u> |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____                            |
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Completed by: Victor Young

Date February 8, 2018

Completed by: V Young

Date 2/14/18

1 [Planning Code - Restaurant and Bar Uses in Jackson Square, Broadway and North Beach,  
2 and Pacific Avenue Office Uses]

3 **Ordinance amending the Planning Code to regulate restaurant and bar uses in the**  
4 **Jackson Square Special Use District, Broadway Neighborhood Commercial District,**  
5 **North Beach Neighborhood Commercial District, and North Beach Special Use District;**  
6 **amending the Jackson Square Special Use District to require a conditional use permit**  
7 **for Office Uses, Business Services, and Institutional Uses fronting on Pacific Avenue;**  
8 **affirming the Planning Department's determination under the California Environmental**  
9 **Quality Act; making findings of public necessity, convenience and welfare under**  
10 **Planning Code, Section 302; and making findings of consistency with the General Plan,**  
11 **and the eight priority policies of Planning Code, Section 101.1.**

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

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

20 Section 1. Findings.

21 (a) The Planning Department has determined that the actions contemplated in this  
22 ordinance comply with the California Environmental Quality Act (California Public Resources  
23 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
24 Supervisors in File No. 171108 and is incorporated herein by reference. The Board affirms  
25 this determination.

1 (b) On January 11, 2018, the Planning Commission, in Resolution No. 20088, adopted  
2 findings that the actions contemplated in this ordinance are consistent, on balance, with the  
3 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board  
4 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the  
5 Board of Supervisors in File No. 171108, and is incorporated herein by reference.

6 (c) Pursuant to Planning Code Section 302, this Board finds that this Planning Code  
7 Amendment will serve the public necessity, convenience, and welfare for the reasons set forth  
8 in Planning Commission Resolution No. 20088, and the Board incorporates such reasons  
9 herein by reference. A copy of Planning Commission Resolution No. 20088 is on file with the  
10 Board of Supervisors in File No. 171108.

11  
12 Section 2. The Planning Code is hereby amended by revising Sections 178, 249.25,  
13 714, 722, and 780.3, to read as follows:

14  
15 **SEC. 178. CONDITIONAL USES.**

16 \* \* \* \*

17 (d) Abandonment. A permitted conditional use ~~which~~ that is discontinued for a period  
18 of three years, or otherwise abandoned, shall not be restored, except upon approval of a new  
19 conditional use application pursuant to the provisions of Article 3 of this Code. For purposes of  
20 this Subsection, the period of nonuse for a permitted conditional use to be deemed  
21 discontinued in the North Beach; and Castro Street Neighborhood Commercial Districts, and  
22 the Jackson Square Special Use District shall be eighteen (18) months, ~~except that in the North~~  
23 ~~Beach Neighborhood Commercial District, the period of non use for a Restaurant use, as defined in~~  
24 ~~Section 102, to be deemed discontinued shall be three years.~~

1 A permitted conditional Formula Retail use which is discontinued for a period of 18  
2 months, or otherwise abandoned, shall not be restored, except upon approval of a new  
3 conditional use application pursuant to Article 3 of this Code.

4  
5 **SEC. 249.25. JACKSON SQUARE SPECIAL USE DISTRICT.**

6 \* \* \* \*

7 (b) Controls.

8 (1) General. The provisions of the C-2 use district as established in Section  
9 210.2 and applicable provisions of the Washington-Broadway Special Use Districts (Section  
10 239), and the Chinatown Community Business District (Section 810.1), shall prevail except as  
11 provided in paragraphs (2) and (3) below.

12 (2) Conditional Uses.

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

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

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

24 (B) ~~Subsection (b)(2)(A) shall not apply to any use that fronts Pacific Street.~~  
25 Restaurants, Limited Restaurants, and Bars. Restaurant, Limited Restaurant and Bar uses may be

1 permitted as a Conditional Use on the First Story through the procedures set forth in Section 303 only  
2 if the Zoning Administrator first determines that the proposed new Restaurant, Limited Restaurant, or  
3 Bar would occupy a space that is currently or was last legally occupied by one of the uses described  
4 below; provided that its last use has not been discontinued or abandoned pursuant to Sections 186.1(d)  
5 or 178(d) of this Code and that the proposed new use will not enlarge the space; and provided further  
6 that no Conditional Use shall be required if the use remains the same as the prior authorized use, with  
7 no enlargement or intensification of use:

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

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

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

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

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

18  
19 **SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.**

20 \* \* \* \*

21 Table 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT

22 ZONING CONTROL TABLE

23 \* \* \* \*

24 (5) BROADWAY LIQUOR LICENSES FOR RESTAURANTS

25 **Boundaries:** Applicable to the Broadway Neighborhood Commercial District.



1                    (B) A Restaurant may occupy a space that is currently or was last legally  
2 occupied by a Restaurant or Bar; and

3                    (C) A Limited Restaurant may occupy a space that is currently or was last  
4 legally occupied by a Limited Restaurant, Restaurant or Bar.

5                    ~~that the following shall apply: (A) a Bar could occupy a space that is currently or was last~~  
6 ~~legally occupied by a Bar, (B) a Restaurant could occupy a space that is currently or was last legally~~  
7 ~~occupied by a Restaurant or Bar, and (C) a Limited Restaurant could occupy a space that is currently~~  
8 ~~or was last legally occupied by a Limited Restaurant, Restaurant, or Bar.~~

9                    (D) Except as provided herein, no other use shall be allowed to convert  
10 to a Limited Restaurant, Restaurant or Bar.

11                    (6) NORTH BEACH LIQUOR LICENSES FOR RESTAURANTS (Section  
12 780.3): A Restaurant Use may only add ABC license types 41, 47, 49 or 75 as a Conditional  
13 Use on the First Story if, in addition to the criteria set forth in Section 303, the Planning  
14 Commission finds that the Restaurant is operating as a Bona Fide Eating Place as defined in  
15 Section 102.790.142. Should a Restaurant fail to operate as a Bona Fide Eating Place for any  
16 length of time, the Conditional Use authorization shall be subject to immediate revocation. To  
17 verify that the Restaurant is continuing to operate as a Bona Fide Eating Place, records of the  
18 Restaurant's gross receipts, showing that a minimum of 51% of its gross receipts within the  
19 last year is from food sales prepared and sold to guests on the premises, shall be provided to  
20 the Department upon request. All records and information shall be submitted to the  
21 Department under penalty of perjury.

22                    \* \* \* \*

23                    **SEC. 780.3. NORTH BEACH SPECIAL USE DISTRICT.**

24                    \* \* \* \*

25                    (c) Controls. The following provisions shall apply within such district:

1 (1): Restaurants, Limited-Restaurants and Bars may be permitted as a  
2 Conditional Use on the First Story *per through the procedures set forth in* Section 303 only if, the  
3 Zoning Administrator first determines that the *proposed new* Restaurant, Limited Restaurant, or  
4 Bar would occupy a space that is currently or was last legally occupied by *one of the uses*  
5 *described below same use as that being proposed*; provided that *such its last* use has not been  
6 discontinued or abandoned pursuant to Sections 186.1(d) or 178(d) of this Code *and that the*  
7 *proposed new use will not enlarge the space*; and provided further *that no Conditional Use shall be*  
8 *required if the use remains the same as the prior authorized use, with no enlargement or intensification*  
9 *of use*:

10 (A) A Bar may occupy a space that is currently or last legally occupied by  
11 a Bar;

12 (B) A Restaurant may occupy a space that is currently or was last legally  
13 occupied by a Restaurant or Bar; and

14 (C) A Limited Restaurant may occupy a space that is currently or was  
15 last legally occupied by a Limited Restaurant, Restaurant or Bar.

16 (D) Except as provided herein, no other use shall be allowed to convert  
17 to a Limited Restaurant, Restaurant or Bar.

18 (2) Alcohol Licenses. A Restaurant may provide on-site beer, wine, and/or  
19 liquor sales for drinking on the premises (with ABC license types 41, 47, 49, 59 or 75) as a  
20 Conditional Use on the First Story if, in addition to the criteria set forth in Section 303, the  
21 Planning Commission finds, based on information submitted to the Department by the  
22 applicant, that the Restaurant is and will continue to operate as a Bona-Fide Eating Place as  
23 defined in Section 102. Should a Restaurant fail to operate as a Bona-Fide Eating Place for  
24 any length of time, the Conditional Use authorization shall be subject to immediate revocation  
25 per Planning Code Section 303(f). To verify that the Restaurant is continuing to operate as a



1 Bona-Fide Eating Place, records of the Restaurant's gross receipts, showing that a minimum  
2 of 51% of its gross receipts within the last year preceding the Department's request is from  
3 food sales prepared and sold to guests on the premises ~~promises~~, shall be provided to the  
4 Department upon request. All records and information shall be submitted to the Department  
5 under penalty of perjury.

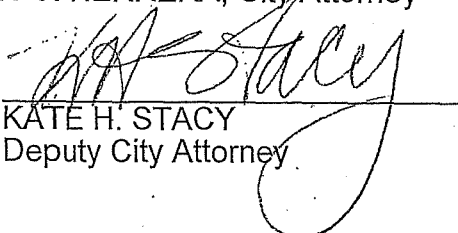
6 \* \* \* \*

7  
8 Section 3. Effective Date. This ordinance shall become effective 30 days after  
9 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
10 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
11 of Supervisors overrides the Mayor's veto of the ordinance.

12  
13 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
14 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
15 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
16 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
17 additions, and Board amendment deletions in accordance with the "Note" that appears under  
18 the official title of the ordinance.

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

21 By:

  
22 KATE H. STACY  
23 Deputy City Attorney

24 n:\legana\as2018\1800115\01244834.docx

**REVISED LEGISLATIVE DIGEST**

(Substituted, 1/9/2018)

[Planning Code - Restaurant and Bar Uses in Jackson Square, Broadway and North Beach, and Pacific Avenue Office Uses]

**Ordinance amending the Planning Code to regulate restaurant and bar uses in the Jackson Square Special Use District, Broadway Neighborhood Commercial District, North Beach Neighborhood Commercial District, and North Beach Special Use District; amending the Jackson Square Special Use District to require a conditional use permit for Office Uses, Business Services, and Institutional Uses fronting on Pacific Avenue; 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

Conditionally permitted Restaurant uses in the North Beach Neighborhood Commercial District would be deemed discontinued if the period of non-use is 3 years.

Office Uses, Business Services and Institutional uses fronting on Pacific Avenue within the Jackson Square Special Use District do not require conditional use authorization.

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

Restaurants, Limited Restaurants and Bars are conditionally permitted uses in the North Beach Special Use District and a Bar may occupy a space that is currently or last legally occupied by a Bar; a Restaurant may occupy a space that is currently or was last legally occupied by a Restaurant or Bar; and a Limited Restaurant may occupy a space that is currently or was last legally occupied by a Limited Restaurant, Restaurant or Bar. No other use is allowed to convert to a Limited Restaurant, Restaurant or Bar.

In the Broadway Neighborhood Commercial District and North Beach Neighborhood Commercial District, a Restaurant Use may add ABC license types 47, 49 or 75 as a Conditional Use on the ground level if the Planning Commission finds that the restaurant is operating as a Bona Fide Eating Place.

Amendments to Current Law

This legislation would provide that conditionally permitted Restaurant uses in the North Beach Neighborhood Commercial District would be deemed discontinued if the period of non-use is 18 months.

Office Uses, Business Services and Institutional uses fronting on Pacific Avenue within the Jackson Square Special Use District would require conditional use authorization.

This legislation would restrict Restaurants, Limited Restaurants and Bars in the Jackson Square Special Use District, 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 a Restaurant, Limited Restaurant or Bar use; provided that the use has not been discontinued or abandoned pursuant to Sections 186.1(d) or 178(d) of this Code and that the proposed new use will not enlarge the space; 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. Specifically:

(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.

Restaurants, Limited Restaurants and Bars would continue to be conditionally permitted uses in the North Beach Special Use District and would be subject to similar occupancy restrictions as those currently in place. Some minor amendments have been made to clarify the meaning of the controls, and to provide that the proposed new use could not enlarge the space. No Conditional Use would be required if the use remains the same as the prior authorized use, with no enlargement or intensification of use.

In the Broadway Neighborhood Commercial District and the North Beach Neighborhood Commercial District, a Restaurant Use would also be able to add ABC License Type 41 as a Conditional Use on the First Story if the Planning Commission finds that the restaurant is operating as a Bona Fide Eating Place. For the North Beach Neighborhood Commercial District, Planning Code Section 722 would be amended to include ABC License Type 41 to be consistent with Planning Code Section 780.3.

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

January 22, 2018

File No. 171108-2

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

Dear Ms. Gibson:

On January 9, 2018, Supervisor Peskin introduced the following substitute legislation:

**File No. 171108-2**

**Ordinance amending the Planning Code to regulate restaurant and bar uses in the Jackson Square Special Use District, Broadway Neighborhood Commercial District, North Beach Neighborhood Commercial District, and North Beach Special Use District; amending the Jackson Square Special Use District to require a conditional use permit for Office Uses, Business Services, and Institutional Uses fronting on Pacific Avenue; 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.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

*for* By: *Alisa Somera*, Legislative Deputy Director  
Land Use and Transportation Committee

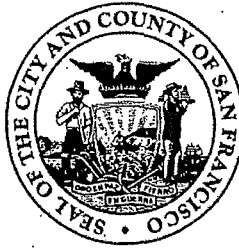
c: Joy Navarrete, Environmental Planning  
Laura Lynch, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Joy Navarrete

Digitally signed by Joy Navarrete  
DN: cn=Joy Navarrete, o=Planning,  
ou=Environmental Planning,  
email=joy.navarrete@sfgov.org, c=US  
Date: 2018.01.30 09:26:34 -08'00'

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

October 24, 2017

File No. 171108

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

Dear Ms. Gibson:

On October 17, 2017, Supervisor Peskin introduced the following legislation:

**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.**

This legislation is being transmitted to you for environmental review.

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: Joy Navarrete, Environmental Planning  
Laura Lynch, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Joy  
Navarrete

Digitally signed by Joy Navarrete  
DN: cn=Joy Navarrete, o=Planning,  
ou=Environmental Planning,  
email=joy.navarrete@sfgov.org,  
c=US  
Date: 2017.11.30 15:16:14 -08'00'



# SAN FRANCISCO PLANNING DEPARTMENT

January 23, 2018

Ms. Angela Calvillo, Clerk  
Honorable Supervisor Peskin  
Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

**Re: Transmittal of Planning Department Case Number 2017-013742PCA:  
Restaurant and Bar Uses in Jackson Square  
Board File No. 171108  
Planning Commission Recommendation: Approval**

Dear Ms. Calvillo and Supervisor Peskin,

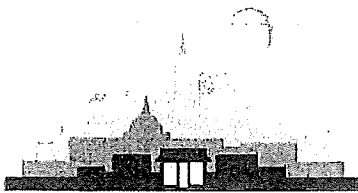
On January 11, 2018, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Supervisor Peskin that would amend the Planning Code to regulate restaurant and bar uses in the Jackson Square Special Use District, Broadway Neighborhood Commercial District, North Beach Neighborhood Commercial District, and North Beach Special Use District; and amend the Jackson Square Special Use District to require conditional use permit for Office Uses, Business Services, and Institutional Uses fronting on Pacific Avenue. At the hearing the Planning Commission recommended approval.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

Aaron D. Starr  
Manager of Legislative Affairs



SAN FRANCISCO

OFFICE OF SMALL BUSINESS

CITY AND COUNTY OF SAN FRANCISCO  
MARK FARRELL, MAYOR

OFFICE OF SMALL BUSINESS  
REGINA DICK-ENDRIZZI, DIRECTOR

February 09, 2018

Ms. Angela Calvillo, Clerk of the Board  
City Hall Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

RE: BOS File No. 171108 - [Planning Code - Restaurant and Bar Uses in Jackson Square, Broadway and North Beach, and Pacific Avenue Office Uses]

Small Business Commission Recommendation to the Board of Supervisors: **Approval**

Dear Ms. Calvillo,

On January 22, 2018, the Small Business Commission (SBC) voted (7-0) to recommend that the Board of Supervisors approve BOS File No. 171108.

The Commission discussion focused predominately on the Jackson Square Special Use District of BOS File No: 171108. The Jackson Square Special Use District established in 2003 to protect and enhance the unique retail character of the Special Use District. While the Small Business Commission tends to encourage the ease of regulatory requirements on small businesses, it found that the amended conditional use requirements for a Restaurant, Limited Restaurant, or Bar that occupy a space that is currently or was last legally occupied by a Restaurant, Limited Restaurant or Bar will help to retain the unique retail character of this special use district.

The City's funded the program *Open in SF*, can assist any new restaurant, limited-restaurant, and bar opening in the Jackson Square Special Use District through their licensing and permitting process to help minimize the time the time it takes to open their business.

The Commission also recommends approval to the North Beach Neighborhood Commercial District changing the period of non-use to 18 months; the Broadway Neighborhood Commercial District and the North Beach Neighborhood Commercial District, a Restaurant Use ability to add ABC License Type 41 as a conditional use on the first story for a bona fide eating place; and for the North Beach Neighborhood Commercial District to include ABC License Type 41.

Thank you for considering the Small Business Commission's comments. Please feel free to contact me should you have any questions.

Sincerely,

Regina Dick-Endrizzi  
Director, Office of Small Business

cc: Aaron Peskin, Board of Supervisors  
Lee Hepner, Aide to Supervisor Peskin  
Mawuli Tugbenyoh, Mayor's Office

Francis Tsang, Mayor's Office  
Lisa Pagan, Office of Economic and Workforce Development  
Alisa Somera, Clerk of the Board





# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Resolution No. 20088 HEARING DATE JANUARY 11, 2018

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

*Project Name:* Restaurant and Bar Uses in Jackson Square, Broadway and North Beach and Pacific Avenue Office Uses  
*Case Number:* 2017-013742PCA [Board File No. 171108]  
*Initiated by:* Supervisor Peskin / Introduced October 17, 2017  
*Staff Contact:* Diego R Sánchez, Legislative Affairs  
diego.sanchez@sfgov.org, 415-575-9082  
*Reviewed by:* Aaron D Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, 415-558-6362

**RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO REGULATE RESTAURANT AND BAR USES IN THE JACKSON SQUARE SPECIAL USE DISTRICT, BROWADWAY NEIGHBORHOOD COMMERCIAL DISTRICT, NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT, AND NORTH BEACH SPECIAL USE DISTRICT; AMENDING THE JACKSON SQUARE SPECIAL USE DISTRICT TO REQUIRE CONDITIONAL USE PERMIT FOR OFFICE USES, BUSINESS SERVICES, AND INSTITUTIONAL USES FRON PACIFIC AVENUE; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.**

WHEREAS, on October 17, 2017 Supervisor Peskin introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 171108, which would amend the Planning Code to regulate restaurant and bar uses in the Jackson Square Special Use District;

WHEREAS, on January 9, 2018 Supervisor Peskin re-introduced the proposed Ordinance under Board File Number 171108, amending the Planning Code to regulate restaurant and bar uses in the Jackson Square, Broadway Neighborhood Commercial District, North Beach Neighborhood Commercial District and North Beach Special Use District; and amend the Jackson Square Special Use District to require conditional use permit for Office Uses, Business Services, and Instituional Uses fronting on Pacific Avenue;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on January 11, 2018; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2) and 15378; and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby **approves** the proposed ordinance.

#### **FINDINGS**

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The Commission supports the Ordinance because it furthers the goal of the Jackson Square Special Use District's purpose of providing protection for and enhancement of specialty retail and antique store uses within the SUD. Amended land controls can help ensure that the Jackson Square Special Use District retains and further develops its unique retail offerings, while still allowing for a diversity of uses.
2. **General Plan Compliance.** The proposed Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan:

#### **COMMERCE AND INDUSTRY ELEMENT**

##### **OBJECTIVE 2**

**MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.**

##### **Policy 2.1**

Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

*The enhanced controls proposed for eating and drinking uses can help retain and make available tenant spaces for other commercial endeavors because they hinder the introduction of subsequent eating and drinking uses into the Jackson Square Special Use District.*

3. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

*The proposed Ordinance will help preserve and enhance the existing neighborhood-serving retail by establishing additional controls to hinder the introduction of additional eating and drinking uses, including eating and drinking uses that serve a City-wide and regional trade area.*

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

*The proposed Ordinance will establish retail controls that can help conserve the existing neighborhood character.*

3. That the City's supply of affordable housing be preserved and enhanced;

*The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing as the Ordinance proposes new retail land use controls.*

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

*The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking as the Ordinance proposes new retail land use controls that will hinder the introduction of new eating and drinking uses.*

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

*The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired because the Ordinance proposes new retail land use controls.*

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

*The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake because the Ordinance proposes new retail land use controls.*

7. That the landmarks and historic buildings be preserved;

*The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings because the Ordinance proposes new retail land use controls.*

8. That our parks and open space and their access to sunlight and vistas be protected from development;

*The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas because the Ordinance proposes new retail land use controls.*

4. **Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

Resolution No. 20088  
January 11, 2018

CASE NO. 2017-013742PCA  
Restaurant and Bar Uses in Jackson Square

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES WITH MODIFICATIONS the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on January 11, 2018.



Jonas P. Ionin  
Commission Secretary

AYES: Hillis, Johnson, Koppel, Melgar, Moore, Richards

NOES: Fong

ABSENT: None

ADOPTED: January 11, 2018





# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Planning Code Text Amendment

HEARING DATE: JANUARY 11, 2018

90-DAY DEADLINE: JANUARY 22, 2018

*Project Name:* Jackson Square Special Use District  
*Case Number:* 2017-013742PCA [Board File No. 171108]  
*Initiated by:* Supervisor Peskin / Introduced October 17, 2017  
*Staff Contact:* Diego R Sánchez, Legislative Affairs  
 diego.sanchez@sfgov.org, 415-575-9082  
*Reviewed by:* Aaron Starr, Manager of Legislative Affairs  
 aaron.starr@sfgov.org, 415-558-6362  
*Recommendation:* Recommend Approval with Modifications

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

### PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Planning Code to regulate restaurant and bar uses in the Jackson Square Special Use District.

#### The Way It Is Now:

1. Within the Jackson Square SUD Limited Restaurants, Restaurants and Bars are principally permitted.
2. Within the Jackson Square SUD new eating and drinking uses may occupy tenant spaces last legally occupied by any use.
3. Within the Jackson Square SUD any use may be converted to a Limited Restaurant, a Restaurant or a Bar use.

#### The Way It Would Be:

1. Within the Jackson Square SUD Limited Restaurants, Restaurants and Bars would require Conditional Use authorization.
2. Within the Jackson Square SUD:
  - a. Bar uses would only be allowed to occupy spaces currently or last legally occupied by a Bar use;
  - b. Restaurants would only be allowed to occupy spaces currently or last legally occupied by a Bar or Restaurant use; and
  - c. Limited Restaurants would only be allowed to occupy spaces currently or last legally occupied by a Bar, Restaurant, or Limited Restaurant use.
3. Within the Jackson Square SUD only existing eating and drinking uses may convert to Limited Restaurant, Restaurant or Bar uses.

### BACKGROUND

The Jackson Square Special Use District (JSSUD) is located in the City's northeast sector, adjacent to Chinatown, North Beach and the Financial District. The underlying zoning district in the JSSUD is the Community Business (C-2) district. The C-2 provides convenience goods and services to the residential areas of the City as well as to a Citywide or regional market area. The C-2 is intended to complement the

main retail areas in downtown San Francisco. As such, most Retail uses are allowed as of right, without neighborhood notification.

In 2003 Board of Supervisors established the JSSUD in order to protect and enhance the specialty retail and antique store uses found there.<sup>1</sup> It does this in two ways. First, the JSSUD requires the Planning Commission and Planning Department to consider the following when reviewing the establishment of ground floor uses:

1. Continuation and enhancement of existing ground floor retail uses are of critical importance to the character of the District and displacement of such uses should be discouraged;
2. Attraction and retention of similar new retail establishments that conform with the character of this District should be encouraged; and
3. Uses that greatly intensify the density of employment have a negative impact on the provision of neighborhood services, traffic circulation, and limited on- and off-street parking.

Second, the JSSUD imposes the following additional non-residential controls:

1. Conditional Use authorization (CU) is required for Office uses, Business Service Uses and Institutional Uses when locating on the ground floor. An exception to the CU requirement is provided for these uses fronting Pacific Avenue.
2. Adult Businesses are prohibited at all floors.

## ISSUES AND CONSIDERATIONS

### Healthy Retail Areas Provide a Mix of Goods and Services

San Francisco has dozens of commercial corridors that serve adjacent neighborhoods as well as wider trade areas. These shopping areas contribute to the City's economic well-being by providing property taxes, business taxes, and employment opportunities. They also serve as hubs for leisure, and entertainment. As noted in the General Plan, the success of these shopping areas depends on their ability to supply a variety of goods and services in a safe and attractive environment.<sup>2</sup>

The Planning Code also recognizes the need to maintain a diverse retail offering by ensuring that commercial corridors are not dominated by one type of use. A principal example is the added consideration for Limited Restaurants, Restaurants and Bars requiring Conditional Use authorization.<sup>3</sup> The Planning Code indicates that the concentration of these eating and drinking uses should not exceed 25% of total commercial frontage within the 300 feet of a proposed eating and drinking use. This helps assure these eating and drinking uses do not dominate any one segment of a commercial corridor. It also affords space for other vital non-residential uses to locate within the City's shopping areas.

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<sup>1</sup> Ordinance 203-03:

<https://sfgov.legistar.com/View.ashx?M=F&ID=2600187&GUID=EA717527-7E11-4564-B03B-913A109B7505>

<sup>2</sup> Commerce and Industry Element. Objective 6: Maintain and Strengthen Viable Neighborhood Commercial Areas Easily Accessible to City Residents.

<sup>3</sup> Planning Code Section 303(o). These retail uses are defined in Section 102.



### Using Quantitative Limits to Manage Retail Corridor Diversity

One regulatory mechanism that the Planning Code uses to ensure retail corridor diversity is a hard cap or limit on the number of a particular retail use type. This mechanism is currently in place in the Haight Street Neighborhood Commercial District (NCD) and the Union Street NCD. Both districts set quantitative limits on the number of Restaurants allowed in those shopping areas.<sup>4</sup> The Japantown NCD and the West Portal NCD have similar controls for Financial Services and Stock Brokerages, respectively.<sup>5</sup> This regulation sends very clear signals to prospective entrepreneurs and corridor merchants about allowed uses in a shopping area by avoiding a discretionary action. It is also an efficient regulation in that it avoids dedicating staff and Planning Commission time towards Conditional Use authorization entitlement.

### Retail Trends in the Internet Age

The rise of online sales and services has impacted the viability of brick and mortar retail, and as a result has impacted the City's shopping areas. In particular, retail establishments that compete directly with online venues, such as clothing and electronics, are faring worse than those that, by the nature of their offerings, do not.<sup>6</sup> As a result, demand for retail space for restaurants, personal services and specialty retailers is growing since their offerings cannot be easily purchased online.

The desire to change land use controls to limit entry of particular retail types should be tempered by trends in the retail sector. Shopping areas with multiple vacancies do not attract foot traffic or patrons and this works against creating a safe and inviting retail environment. Amendments to land use controls should recognize this and afford some growth in the number of retail uses that successfully compete with online sales, including Eating and Drinking Uses.

### December 2017 Survey of Ground Floor Non-Residential Uses in the JSSUD

In December 2017 Planning Department staff conducted a walking survey of the JSSUD. The aim of the walking survey was to note existing street level retail conditions, with a focus on the number of Eating and Drinking Uses. Staff found that of all street-level occupied commercial spaces, 15% were occupied by Eating and Drinking Uses. Stores selling apparel, and household goods, including antiques and art, occupy 30% of the occupied street-level commercial spaces. Professional Service uses are also found in significant numbers, occupying 20% of street-level commercial spaces. (See Table 1).

In general there is a balance of ground floor retail offerings in the JSSUD. No one retail use type dominates the JSSUD. Importantly, the concentration of Eating and Drinking Uses is reasonable in comparison to other retail uses.

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<sup>4</sup> Planning Code Section 719 Haight Street Neighborhood Commercial District; Planning Code Section 725 Union Street Neighborhood Commercial District.

<sup>5</sup> Planning Code Section 721 Japantown Neighborhood Commercial District; Planning Code Section 729 West Portal Neighborhood Commercial District.

<sup>6</sup> Mission Street Corridor Economic Analysis. August 30, 2017. Strategic Economics.

Office on Economic and Workforce Development Memorandum to the Planning Commission on Retail to Office Conversions in Union Square. March 18, 2016.

TABLE 1: JACKSON SQUARE SPECIAL USE DISTRICT STREET LEVEL COMMERCIAL USES DECEMBER 2017

Use Type	Total	Percent of Total
Eating and Drinking	16	15%
Apparel, Household Goods, Antiques, Art Galleries	32	30%
Professional Services	21	20%
Personal Services Other Retail	8	8%
Business Services	9	8%
Health Services	4	4%
Other	16	15%
<b>Total</b>	<b>106</b>	<b>100%</b>

**General Plan Compliance**

Commerce and Industry Element

**Objective 2:** Maintain and Enhance a Sound and Diverse Economic Base and Fiscal Structure for the City  
**Policy 2.1:** Seek to Retain Existing Commercial and Industrial Activity and to Attract New such Activity to the City

The enhanced controls proposed for Eating and Drinking Uses can help retain and make available tenant spaces for other commercial endeavors because they hinder the introduction of subsequent Eating and Drinking Uses into the JSSUD.

**Implementation**

The Department has determined that this ordinance will not impact our current implementation procedures. However, there are regulations that are more straightforward and achieve the same goal, including a limit or hard cap on the number of Eating and Drinking Uses.

**RECOMMENDATION**

The Department recommends that the Commission *approve with modifications* the proposed Ordinance and adopt the attached Draft Resolution to that effect. The Department’s proposed recommendations are as follows:

1. Amend the JSSUD to set a limit on the number of total Limited Restaurants, Restaurants, and Bars in the JSSUD at 25 in the following manner:

249.25(b)(3) Prohibited Uses. *(i) Adult Businesses, as defined in Section 102 of this Code, are prohibited. (ii) Limited Restaurants, Restaurants and Bars when the total number of these uses, combined, exceeds 25 in the Jackson Square Special Use District are prohibited.*

**BASIS FOR RECOMMENDATION**

The Department supports the Ordinance because it furthers the goal of the JSSUD’s purpose of providing protection for and enhancement of specialty retail and antique store uses within the SUD. Further, encouraging diversity among the City’s multiple shopping districts is a goal in the General Plan that

should also apply to the JSSUD.<sup>7</sup> These new controls will help ensure that the JSSUD retains and further develops its unique retail offerings, while still allowing for a diversity of uses.

However, the Department believes that the same goal can be accomplished by using a simpler and more straightforward mechanism than what is being proposed in the Ordinance. Further, new land use controls should also allow for additional, albeit modest, growth in the number of Eating and Drinking Uses in the JSSUD.

**Recommendation 1: Add A Subsection 249.25(b)(3)(ii):** Set a limit on the number of Limited Restaurants, Restaurants, and Bars in the JSSUD at 25.

Changes to the Eating and Drinking Use controls in the JSSUD should balance the need to promote retail diversity with recognition of current retail trends. New controls should also be sufficiently clear to prospective merchants, existing business and property owners, and City staff implementing them. An upper limit on the number of Limited Restaurants, Restaurants, and Bars accomplishes this. An upper limit above the existing number of Eating and Drinking Uses in the JSSUD allows for some expansion in a segment of the retail sector that is growing. These additional eating and drinking venues can also attract patrons to the specialty retailers, antique shops and art galleries currently in the JSSUD. It also avoids the inherent uncertainty that accompanies a discretionary entitlement such as Conditional Use authorization.

#### REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may approve it, reject it, or approve it with modifications.

#### ENVIRONMENTAL REVIEW

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

#### PUBLIC COMMENT

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

#### Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Map of Jackson Square Special Use District
- Exhibit C: Board of Supervisors File No. 171108

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<sup>7</sup> Commerce and Industry Element. Objective 6: Maintain and Strengthen Viable Neighborhood Commercial Areas Easily Accessible to City Residents. Policy 6.1: Ensure and Encourage the Retention of Neighborhood-Serving Goods and Services in the City's Neighborhood Commercial Districts, while Recognizing and Encouraging Diversity among the Districts.

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

January 22, 2018

File No. 171108-2

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

Dear Ms. Gibson:

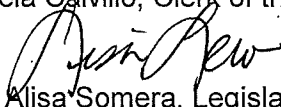
On January 9, 2018, Supervisor Peskin introduced the following substitute legislation:

**File No. 171108-2**

**Ordinance amending the Planning Code to regulate restaurant and bar uses in the Jackson Square Special Use District, Broadway Neighborhood Commercial District, North Beach Neighborhood Commercial District, and North Beach Special Use District; amending the Jackson Square Special Use District to require a conditional use permit for Office Uses, Business Services, and Institutional Uses fronting on Pacific Avenue; 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.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

*for* By:  Alisa Somera, Legislative Deputy Director  
Land Use and Transportation Committee

c: Joy Navarrete, Environmental Planning  
Laura Lynch, Environmental Planning

BOARD of SUPERVISORS



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TDD/TTY No. 554-5227

January 22, 2018

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

Dear Commissioners:

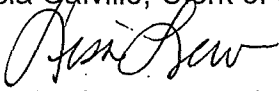
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The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of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

Angela Calvillo, Clerk of the Board

*for* By:  Alisa Somera, Legislative Deputy Director  
Land Use and Transportation Committee

- c: John Rahaim, Director of Planning
- Aaron Starr, Manager of Legislative Affairs
- Scott Sanchez, Zoning Administrator
- Lisa Gibson, Environmental Review Officer
- AnMarie Rodgers, Senior Policy Advisor
- Laura Lynch, Environmental Planning
- Joy Navarrete, Environmental Planning

BOARD of SUPERVISORS



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

**MEMORANDUM**

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

FROM: *el* Alisa Somera, Legislative Deputy Director  
*bn* Land Use and Transportation Committee

DATE: January 22, 2018

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS

The Board of Supervisors' Land Use and Transportation Committee has received the following substitute 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. 171108-2

**Ordinance amending the Planning Code to regulate restaurant and bar uses in the Jackson Square Special Use District, Broadway Neighborhood Commercial District, North Beach Neighborhood Commercial District, and North Beach Special Use District; amending the Jackson Square Special Use District to require a conditional use permit for Office Uses, Business Services, and Institutional Uses fronting on Pacific Avenue; 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

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: *al*  
*br* Alisa Somera, Legislative Deputy Director  
Land Use and Transportation Committee

DATE: January 22, 2018

SUBJECT: SUBSTITUTE LEGISLATION INTRODUCED

---

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed substitute legislation, introduced by Supervisor Peskin on January 9, 2018:

**File No. 171108-2**

**Ordinance amending the Planning Code to regulate restaurant and bar uses in the Jackson Square Special Use District, Broadway Neighborhood Commercial District, North Beach Neighborhood Commercial District, and North Beach Special Use District; amending the Jackson Square Special Use District to require a conditional use permit for Office Uses, Business Services, and Institutional Uses fronting on Pacific Avenue; 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: [alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org).

c: Rowena Carr, Police Department  
Kristine Demafeliz, Police Department  
Greg Wagner, Department of Public Health  
Dr. Naveena Bobba, Department of Public Health  
Sneha Patil, Department of Public Health

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

October 24, 2017

File No. 171108

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

Dear Ms. Gibson:

On October 17, 2017, Supervisor Peskin introduced the following legislation:

**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.**

This legislation is being transmitted to you for environmental review.

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: Joy Navarrete, Environmental Planning  
Laura Lynch, Environmental Planning



BOARD of SUPERVISORS



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

October 24, 2017

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

Dear Commissioners:

On October 17, 2017, Supervisor Peskin introduced the following legislation:

**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.**

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 of Planning
- Aaron Starr, Manager of Legislative Affairs
- Scott Sanchez, Zoning Administrator
- Lisa Gibson, Acting Environmental Review Officer
- AnMarie Rodgers, Senior Policy Advisor
- Laura Lynch, Environmental Planning
- Joy Navarrete, Environmental Planning

BOARD of SUPERVISORS



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TDD/TTY No. 554-5227

**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: \_\_\_\_\_

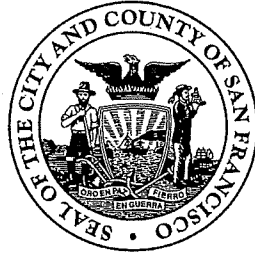
No Comment

Recommendation Attached

\_\_\_\_\_  
Chairperson, Small Business Commission

c: Menaka Mahajan, Small Business Commission

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

---

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

# Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED  
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 SAN FRANCISCO  
 2018 APR 9 PM 4:37  
 Time stamp or meeting date  
 BY 

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. Question(s) 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):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

# Introduction Form

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

By a Member of the Board of Supervisors or Mayor

2017 OCT 17 PM 4:41

Time stamp  
or meeting date

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. Question(s) 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]

The text is listed:

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.

Signature of Sponsoring Supervisor:

*Alan D. Li*

For Clerk's Use Only





JACKSON SQUARE  
HISTORIC DISTRICT  
ASSOCIATION

January 9, 2018

Planning Commission  
City Hall, Room 110  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

**President Richard Hillis, Commissioners, & Secretary Jonas Ionin:**

We're writing to strongly support Amendments to the Jackson Square Historic District SUD, Section 249.25(b)(2)(B).

The small Jackson Square Historic District with boundaries coincident with the SUD, is comprised of just six square blocks and multiple alleyways containing San Francisco's only remaining 1850's-1880's historic building assets. All are unique architectural survivors of the 1906 earthquake and fire.

While the Commission deliberates various amendments to other Districts, we respectfully request that it consider amending the Jackson Square Special Use District. As mixed-use community stewards of this small historic neighborhood, the Jackson Square Historic District Association initiated this amendment process. We strongly support the revisions to the Conditional Use Authorization for restaurants and limited restaurants and bars in Jackson Square, and support the expansion of CUA for office use to the entirety of the Historic District.

The Association believes in a mixed use strategy, and our currently vibrant mix includes boutique retailers, gallery spaces, residences, and design firms (SF Chronicle: "Gold Rush-era Jackson Square Becomes Hot Again with Retailers", July 2017). Approximately 15 bars and restaurants that serve liquor also currently operate within the District's tiny boundaries, some negatively impacting adjacent properties, and literally dozens more surround the District on all sides.

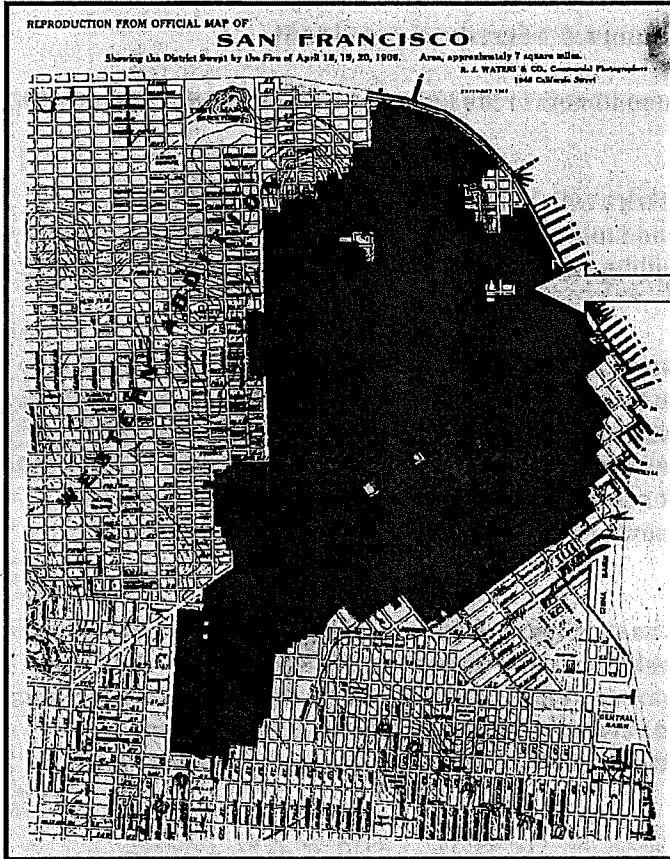
The proposed regulations already exist in the adjacent North Beach Special Use District, where (and as in many other cities) they have helped to cultivate a vibrant commercial mix, characterized by varied uses and an array of businesses. A lack of similar protections for Jackson Square will only incentivize commercial rent speculation for higher bar/restaurant rents.

We appreciate the Commission's consideration of our mixed use protection needs in this small Historic District and look forward to the Commission's support.

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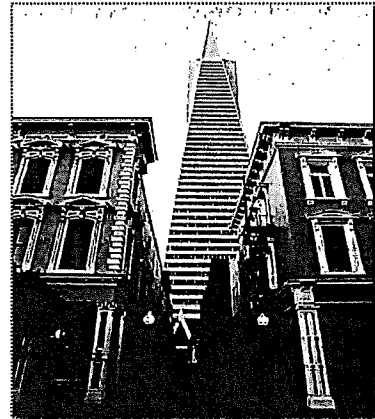
Sincerely,

Matthew Stegman  
Jackson Square Historic District Association



The tiny Jackson Square Historic District comprises the City's only remaining historic 1850's-1880's building assets and physical reminders of our beginnings as a great Pacific port.

(Red Areas destroyed in '06 Quake & Fire).





Planning Commission City Hall, Room 110  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

January 9, 2018

**Dear President Richard Hillis, Commissioners, & Secretary Jonas Ionin,**

We're writing to strongly support Amendments to the Jackson Square Historic District SUD, Section 249.25(b)(2)(B). The 42 Hotaling HOA fully supports Amendments to the Jackson Square Historic District SUD, Section 249.25(b)(2)(B)

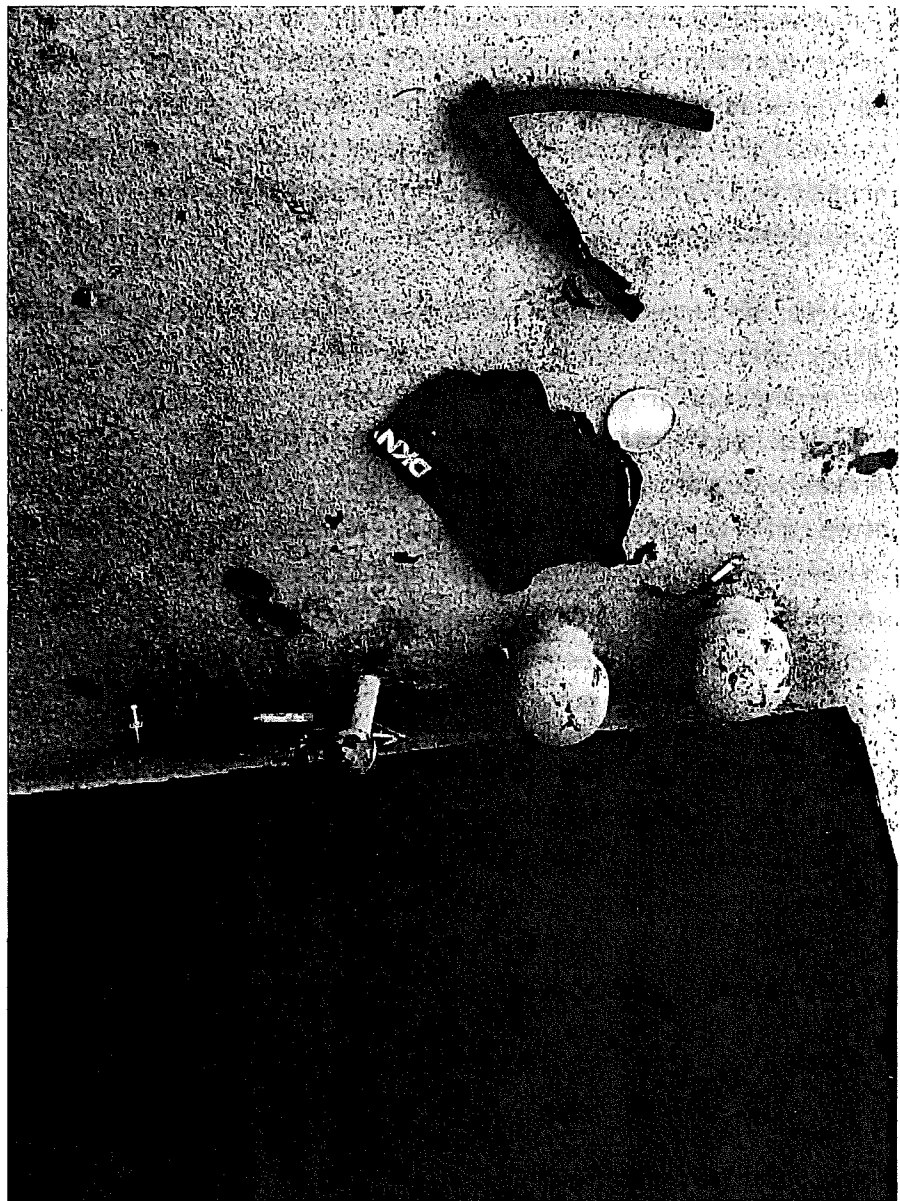
Our small neighborhood bears an undue share of the nightlife and restaurant burden. The residential portion of our community works exceedingly hard to maintain this historic treasure, but the demands placed on area by nightlife usage create incredible challenges. From yelling, smashed glass, improperly disposed of trash, vagrancy, drug needles and more, our neighborhood simply cannot handle more food and beverage usage. It is time for other communities to bear some of that burden.

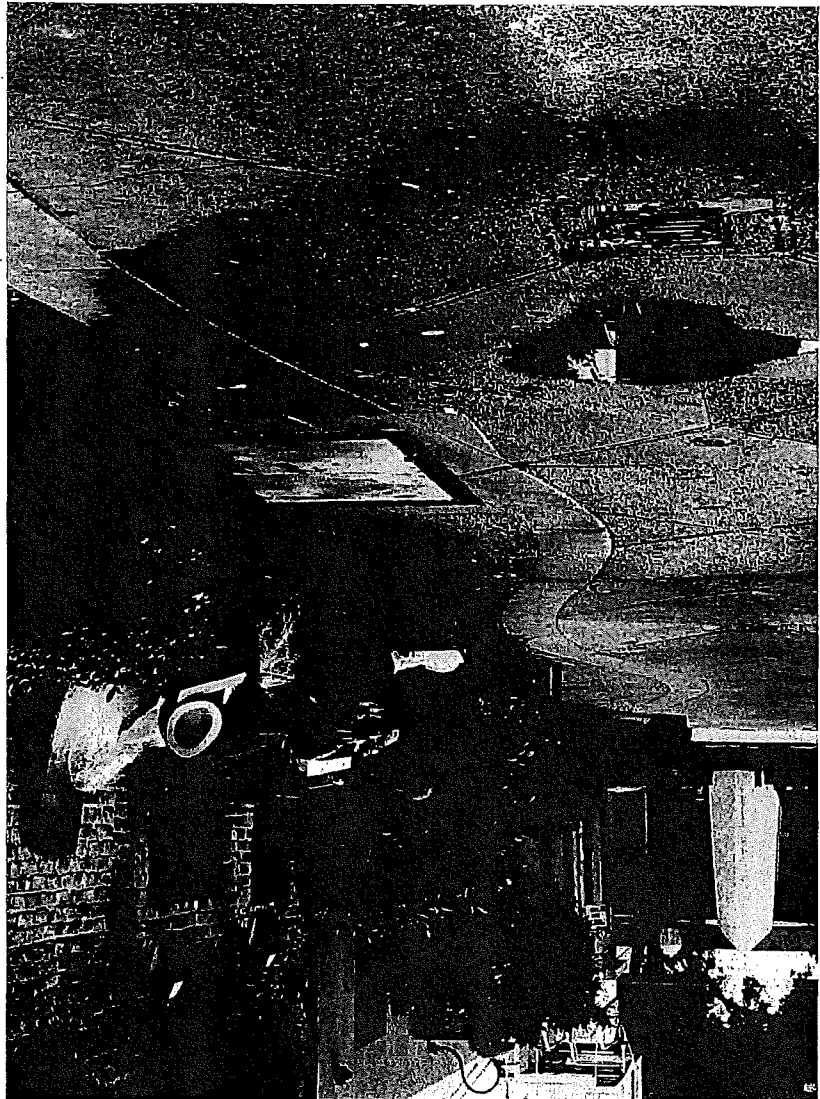
A vibrant mixed use strategy must include boutique retailers, gallery spaces, residences, and design, not more food and beverage. Approximately 15 bars and restaurants that serve liquor also currently operate within the District's tiny boundaries, many negatively impacting adjacent properties, and literally dozens more surround the District on all sides. My small block is littered with trash, recycling and compost bins almost 7 days a week, all of which have been improperly placed on the curb overflowing and without locks for vagrants to knock over and sift throughout the week and weekend. Furthermore, the drains on our block are constantly overflowing cesspools thanks to irresponsible cleaning by restaurants. Due to the many bars, there are constantly bottles and needles left around in the morning for passersby to wade through. I attach some photos for your consideration.

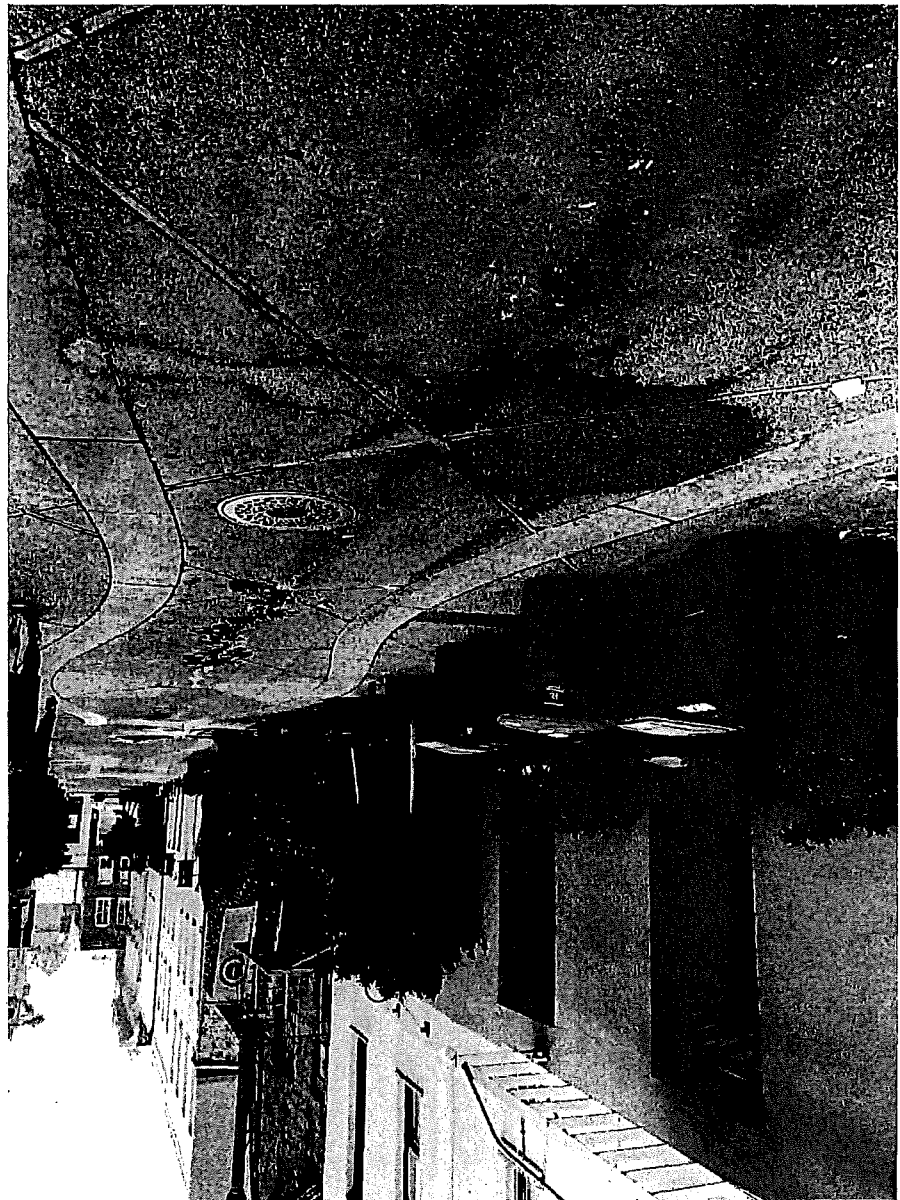
The proposed regulations already exist in the adjacent North Beach Special Use District, where (and as in many other cities) they have helped to cultivate a vibrant commercial mix, characterized by varied uses and an array of businesses. A lack of similar protections for Jackson Square will only incentivize commercial rent speculation for higher bar/restaurant rents. We appreciate the Commission's consideration of our mixed use protection needs in this small Historic District and look forward to the Commission's support.

Sincerely,

Angela Braverman (42 Hotaling Place)  
Hotaling Stables Building HOA



















January 11, 2018

Planning Commission  
City Hall, Room 110  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

President Richard Hillis & Commissioners,

As residential owners and neighborhood volunteers in the Jackson Square Historic District, we fully support Amendments to the Jackson Square Historic District SUD, Section 249.25(b)(2)(B).

Our buildings, as others in the Historic District, date from the 1860's-1880's and attract regular walking tours year round. We put tremendous effort into maintaining our properties and the neighborhood, including paying privately for Cleanscapes SF daily clean-up of the ongoing damage, trash, feces, graffiti, and broken beer/liquor bottles we face as City residents every day.

Much of the broken glass, property damage, noise, illegal grease dumping, and vandalized/broken trees are directly attributable to many of the multiple bars & restaurants already within the District. These uses have an outsized negative impact on the surrounding blocks and properties from intoxicated customers damaging trees and property in the neighborhood after drinking. While we believe a commercial mix requires balance, and this small District is already saturated with liquor licenses. We need mixed use and CUA protections to avoid landlord commercial rent speculation from pushing this ratio even higher.

The District currently hosts an attractive community of non-chain retailers, residences, gallery spaces, design firms (and multiple bars/restaurants and offices) as described in the recent SF Chronicle: "Gold Rush-era Jackson Square Becomes Hot Again with Retailers", July 2017. We hope the Commission will consider our community goals toward balancing a reasonable mix and provide CUA protections for the JSHD.

Kindest Regards,  
Charles Carbone, Esq  
President, 25 Hotaling Place Homeowner's Association

