

BOARD of SUPERVISORS



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## MEMORANDUM

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

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Transportation  
Committee Board of Supervisors

DATE: July 6, 2016

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. 160748**

**Ordinance amending the Planning Code to allow amusement arcades in all South of Market and Eastern Neighborhoods Mixed Use Districts except for the Residential Enclave Districts; 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 convenience, necessity, and welfare under Planning Code, Section 302.**

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.

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**RESPONSE FROM SMALL BUSINESS COMMISSION - Date:** \_\_\_\_\_

**No Comment**

**Recommendation Attached**

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

1 [Planning Code - Amusement Arcades in South of Market and Eastern Neighborhoods Mixed  
2 Use Districts]

3 **Ordinance amending the Planning Code to allow amusement arcades in all South of**  
4 **Market and Eastern Neighborhoods Mixed Use Districts except for the Residential**  
5 **Enclave Districts; affirming the Planning Department’s determination under the**  
6 **California Environmental Quality Act; making findings of consistency with the General**  
7 **Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting**  
8 **findings of public convenience, necessity, and welfare under Planning Code, Section**  
9 **302.**

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

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

18 Section 1..Findings.

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

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

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

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

7  
8 Section 2. The Planning Code is hereby amended by revising Section 803.4 and the  
9 Zoning Control Tables of Sections 840, 841, 842, and 845, to read as follows:

10 **SEC. 803.4. USES PROHIBITED IN SOUTH OF MARKET AND EASTERN**  
11 **NEIGHBORHOODS MIXED USE DISTRICTS.**

12 (a) Uses which are not specifically listed in this Article or Article 6 are not permitted  
13 in South of Market Mixed Use Districts unless they qualify as a nonconforming use pursuant  
14 to Sections 180 through 186.1 of this Code or are determined by the Zoning Administrator to  
15 be permitted uses in accordance with Section 307(a) of this Code. Uses not permitted in any  
16 South of Market District include, but are not limited to, the following: Adult entertainment,  
17 bookstore or theater; ~~amusement game arcade or similar enterprise~~; shooting gallery; general  
18 advertising signs, except in the South of Market General Advertising Special Sign District;  
19 animal kennel, riding academy or livery stable; automobile, truck, van, recreational  
20 vehicle/trailer or camper sales, lease or rental; auto tow of inoperable vehicles; auto wrecking  
21 operation; drive-up facility; hotel (except as permitted as a conditional use as provided in  
22 Planning Code Section 818, Service/Secondary Office District), motel, hostel, inn, or bed and  
23 breakfast establishment; heavy industry subject to Section 226(e) through (w) of this Code;  
24 junkyard; landing field for aircraft; massage establishment subject to Section 218.1 of this



Code; except in the Residential/Service Mixed Use District when provided in conjunction with full-service spa services; mortuary; movie theater and sports stadium or arena.

(b) No use, even though listed as a permitted use or otherwise allowed, shall be permitted in a South of Market District or Eastern Neighborhood Mixed Use District which, by reason of its nature or manner of operation, creates conditions that are hazardous, noxious, or offensive through the emission of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive noise.

(c) The establishment of a use that sells alcoholic beverages, other than beer and wine, concurrent with motor vehicle fuel is prohibited, and shall be governed by Section 229.

**SEC. 840. MUG – MIXED USE-GENERAL DISTRICT.**

\* \* \* \*

Table 840 MUG – MIXED USE-GENERAL DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	Mixed Use-General District Controls
* * * *			
<b>Assembly, Recreation, Arts and Entertainment</b>			
****	****	****	****
840.58	Amusement Arcade	§ 890.4	<i>P NP</i>
****	****	****	****

\* \* \* \*

**SEC. 841. MUR – MIXED USE-RESIDENTIAL DISTRICT.**

\* \* \* \*

Table 841 MUR – MIXED USE-RESIDENTIAL DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	Mixed Use-Residential District Controls
* * * *			
<b>Assembly, Recreation, Arts and Entertainment</b>			

****	****	****	****
841.58	Amusement Arcade	§ 890.4	<u>P</u> NP
****	****	****	****

\* \* \* \*

**SEC. 842. MUO – MIXED USE-OFFICE DISTRICT.**

\* \* \* \*

Table 842 MUO – MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	Mixed Use-Office District Controls
* * * *			
<b>Assembly, Recreation, Arts and Entertainment</b>			
****	****	****	****
842.58	Amusement Arcade	§ 890.4	<u>P</u> NP
****	****	****	****

\* \* \* \*

**SEC. 845. WMUO – WSOMA MIXED USE-OFFICE DISTRICT.**

\* \* \* \*

845 WMUO – WSOMA MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	Mixed Use-Office District Controls
* * * *			
<b>Assembly, Recreation, Arts and Entertainment</b>			
****	****	****	****
845.58	Amusement Arcade	§ 890.4	<u>P</u> NP
****	****	****	****

\* \* \* \*

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

5  
6 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
7 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
8 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
9 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
10 additions, and Board amendment deletions in accordance with the "Note" that appears under  
11 the official title of the ordinance.

12  
13 APPROVED AS TO FORM:  
14 DENNIS J. HERRERA, City Attorney

15 By:

  
16 JUDITH A. BOYAJIAN  
17 Deputy City Attorney

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