

BOARD of SUPERVISORS



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# MEMORANDUM

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

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

DATE: July 8, 2020

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. 200702**

**Ordinance amending the Planning Code to allow certain Limited Restaurants in Ordinance amending the Planning Code to re-enact a provision permitting Non-Retail Professional Services above the first story in the Chinatown Community Business District Zoning Control Table, which was inadvertently deleted in recently enacted legislation; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and general 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.

c: Dominica Donovan, Senior Policy Analyst/Commission Secretary

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

**No Comment**

**Recommendation Attached**

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

1 [Planning Code - Chinatown Community Business District Zoning Control Table - Technical  
2 Correction]

3 **Ordinance amending the Planning Code to re-enact a provision permitting Non-Retail**  
4 **Professional Services above the first story in the Chinatown Community Business**  
5 **District Zoning Control Table, which was inadvertently deleted in recently enacted**  
6 **legislation; affirming the Planning Department's determination under the California**  
7 **Environmental Quality Act; making findings of consistency with the General Plan, and**  
8 **the eight priority policies of Planning Code, Section 101.1; and adopting findings of**  
9 **public necessity, convenience, and general welfare under Planning Code, Section 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 *strikethrough italics Times New Roman font*.  
13 **Board amendment additions** are in double-underlined Arial font.  
14 **Board amendment deletions** are in ~~strikethrough 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

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

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

Section 2. The Planning Code is hereby amended by revising Section 810, to read as follows:

**SEC. 810. CHINATOWN COMMUNITY BUSINESS DISTRICT.**

\* \* \* \*

**Table 810**

**CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE**

* * * *	* * * *	* * * *		
Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL USES</b>		Controls by Story		
		1st	2nd	3+
* * * *	* * * *	* * * *	* * * *	* * * *
<b>Non-Retail Sales and Service*</b>	§ 102	NP	NP	NP
Design Professional	§ 102	P	P	P
Trade Office	§ 102	P	P	P
<i>Services, Non-Retail Professional</i>	<u>§ 102</u>	<u>NP</u>	<u>P</u>	<u>P</u>
* * * *	* * * *	* * * *	* * * *	* * * *

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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:    /s/ JUDITH BOYAJIAN  
16           JUDITH BOYAJIAN  
17           Deputy City Attorney

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**LEGISLATIVE DIGEST**

[Planning Code – Chinatown Community Business District Zoning Control Table - Technical Correction]

**Ordinance amending the Planning Code to re-enact a provision permitting Non-Retail Professional Services above the first story in the Chinatown Community Business District Zoning Control Table, which was inadvertently deleted in recently enacted legislation; affirming the Planning Department’s determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.**

Existing Law

Planning Code Section 810 established the Chinatown Community Business District.

Amendments to Current Law

The Section 810 Zoning Control Table is amended to permit Non-Retail Professional Services above the first story in the Chinatown Community Business District Zoning Control Table.

Background Information

In Ordinance 208-19, among other amendments the Chinatown Zoning Control Tables were reorganized. During this process, Table 810 was inadvertently amended to prohibit Non-Retail Professional Services on all floors whereas it had been permitted on all floors. This ordinance will re-enact the provision permitting Non-Retail Professional Services above the first story. Non-Retail Professional Services will be prohibited on the first story, which the community favors and the Planning Department supports.