

BOARD of SUPERVISORS



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December 4, 2020

File No. 201326

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

Dear Ms. Gibson:

On December 1, 2020, Mayor Breed submitted the following legislation:

File No. 201326

Ordinance amending the Planning Code to prohibit retail workspace in Chinatown Mixed-Use 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 making findings of public necessity and convenience under Planning Code, Section 302.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

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

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

Attachment

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

1 [Planning Code - Chinatown Mixed Use Districts]

2

3 **Ordinance amending the Planning Code to prohibit retail workspace in Chinatown**
4 **Mixed-Use Districts; affirming the Planning Department’s determination under the**
5 **California Environmental Quality Act; making findings of consistency with the General**
6 **Plan, and the eight priority policies of Planning Code, Section 101.1; and making**
7 **findings of public necessity and convenience under Planning Code, Section 302.**

8

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

13

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

15

16 Section 1. Environmental and Land Use Findings.

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

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

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 finds that this Planning Code
4 amendment will serve the public necessity, convenience, and welfare for the reasons set forth
5 in Planning Commission Resolution No. _____, and the Board adopts such reasons as
6 its own. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File
7 No. _____ and is incorporated herein by reference.

8
9 Section 2. Article 8 of the Planning Code is hereby amended by revising Sections 810,
10 811, and 812, to read as follows:

11
12 **SEC. 810. CHINATOWN COMMUNITY BUSINESS DISTRICT.**

13 The Chinatown Community Business District, located in the northeast quadrant of San
14 Francisco, extends along Broadway from the eastern portal of the Broadway Tunnel to
15 Columbus Avenue and along Kearny Street from Columbus to Sacramento Street. This district
16 also includes portions of Commercial Street between Montgomery Street and Grant Avenue
17 and portions of Grant Avenue between Bush and California Streets. It is part of the larger core
18 area of Chinatown.

19 The portions of Broadway, Kearny, and Commercial Streets and Grant Avenue in this
20 district are transitional edges or entries to Chinatown. North and east of the two blocks of
21 Broadway contained in this district are North Beach and the Broadway Entertainment Districts.
22 Kearny and Columbus Streets are close to intensive office development in the Downtown
23 Financial District. Both Grant Avenue and Commercial Street provide important pedestrian
24 entries to Chinatown. Generally, this district has more potential for added retail and
25 commercial development than other parts of Chinatown.

1 This zoning district is intended to protect existing housing, encourage new housing,
 2 and accommodate modest expansion of Chinatown business activities as well as street-level
 3 retail uses. The size of individual professional or business office use is limited in order to
 4 prevent these areas from being used to accommodate larger office uses spilling over from the
 5 financial district.

6 Housing development in new buildings is encouraged at upper stories. Existing housing
 7 is protected by limitations on demolitions and upper-story conversions. Accessory dwelling
 8 units are permitted within the district pursuant to Subsection 207(c)(4) of this Code.

9
 10 **Table 810**
 11 **CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE**

12 * * * *

NON-RESIDENTIAL USES	§ References	Controls by Story		
		1st	2nd	3rd+
Sales and Service Use Category				
Retail Sales and Service Uses*		P	P	P
* * * *				
Restaurant	§102	C (1)(3)	C (1)(3)	C (1)(3)
<u>Retail Workspace</u>	<u>§102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
* * * *				

23
 24 * Not listed below

1 (1) C for Use Size is not required for Restaurants larger than 5000 sq. ft., but C to
2 establish the Use is required as indicated.

3 * * * *

4 (3) Formula Retail Restaurants and Limited Restaurants are NP in all Chinatown
5 MUDs.

6
7 **SEC. 811. CHINATOWN VISITOR RETAIL DISTRICT.**

8 The Chinatown Visitor Retail Neighborhood Commercial District extends along Grant
9 Avenue between California and Jackson Streets. This district contains a concentration of
10 shopping bazaars, art goods stores, and restaurants, which attract visitors and shoppers and
11 contribute to the City's visual and economic diversity. Grant Avenue provides an important link
12 between Downtown retail shopping and the Broadway, North Beach, and Fisherman's Wharf
13 areas.

14 This district is intended to preserve the street's present character and scale and to
15 accommodate uses primarily appealing to visitors (e.g. tourist gifts shops, jewelry stores, art
16 goods, large restaurants). In order to promote continuous retail frontage, entertainment,
17 financial services, medical service, automotive, and drive-up uses are restricted. Most
18 commercial uses, except financial services, are permitted on the first two stories.
19 Administrative services, (those not serving the public) are prohibited in order to prevent
20 encroachment from downtown office uses. There are also special controls on restaurants and
21 tourist hotels. Building standards protect and complement the existing small-scale
22 development and the historic character of the area.

23 The height limit applicable to the district will accommodate two floors of housing or
24 institutional use above two floors of retail use. Existing residential units are protected by
25

1 prohibition of upper-story conversions and limitation on demolition. Accessory dwelling units
 2 are permitted within the district pursuant to Subsection 207(c)(4) of this Code.

3 **Table 811**

4 **CHINATOWN VISITOR RETAIL DISTRICT ZONING CONTROL TABLE**

5 * * * *

NON-RESIDENTIAL USES	§ References	Controls by Story		
		1st	2nd	3rd+
Sales and Service Use Category				
Retail Sales and Service Uses*		P	P	P
* * * *				
Restaurant	§102	C (1)	C (1)	NP
<u>Retail Workspace</u>	<u>§102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
* * * *				

17 * Not listed below

18 (1) C for Use Size is not required for Restaurants larger than 2,500 sq. ft., but C to
 19 establish the Use is required as indicated.

20 * * * *

21
 22 **SEC. 812. CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL**
 23 **DISTRICT.**
 24
 25

1 The Chinatown Residential Neighborhood Commercial District extends along Stockton
 2 Street between Sacramento and Broadway and along Powell Street between Washington
 3 Street and Broadway. It is generally west and uphill from Grant Avenue and is close to the
 4 relatively intensely developed residential areas of lower Nob and Russian Hills. Stockton
 5 Street is a major transit corridor which serves as "Main Street" for the Chinatown
 6 neighborhood. Both Stockton and Powell Streets contain a significant amount of housing as
 7 well as major community institutions supportive to Chinatown and the larger Chinese
 8 community. This daytime-oriented district provides local and regional specialty food shopping
 9 for fresh vegetables, poultry, fish, and meat. Weekends are this area's busiest shopping days.

10 Because Stockton Street is intended to remain principally in its present character, the
 11 Stockton Street controls are designed to preserve neighborhood-serving uses and protect the
 12 residential livability of the area. The controls promote new residential development compatible
 13 with existing small-scale mixed-use character of the area. Consistent with the residential
 14 character of the area, commercial development is directed to the ground story. Daytime-
 15 oriented use is protected and tourist-related uses and financial services are limited.

16 Housing development in new and existing buildings is encouraged above the ground
 17 floor. Institutional uses are also encouraged. Existing residential units are protected by limits
 18 on demolition and conversion. Accessory Dwelling Units are permitted within the district
 19 pursuant to subsection 207(c)(4) of this Code.

20 **Table 812**

21 **CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**
 22 **CONTROL TABLE**

23 * * * *

NON-RESIDENTIAL USES	§ References	Controls by Story
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		1st	2nd	3rd+
Sales and Service Use Category				
Retail Sales and Service Uses*		P	P	P
* * * *				
Restaurant	§102	C (2)	NP	NP
<u>Retail Workspace</u>	<u>§102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
* * * *				

* Not listed below

* * * *

(2) Formula Retail Restaurants and Limited Restaurants are NP in all Chinatown MUDs.

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

Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal 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.

3

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

6 By: /s/
7 AUDREY W. PEARSON
8 Deputy City Attorney

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LEGISLATIVE DIGEST

[Planning Code - Chinatown Mixed Use Districts]

Ordinance amending the Planning Code to prohibit retail workspace in Chinatown Mixed-Use 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 making findings of public necessity and convenience under Planning Code, Section 302.

Existing Law

Currently, the Chinatown Mixed Use Districts – the Chinatown Community Business District (Planning Code section 810), the Chinatown Visitor Retail District (section 811), and the Chinatown Residential Neighborhood Commercial District (section 812) – do not regulate Retail Workspace uses.

Amendments to Current Law

This ordinance would prohibit Retail Workspace uses in the Chinatown Mixed Use Districts – Planning Code sections 810, 811, and 812.

Background Information

Proposition H passed in the November 2020 election. Among other things, Proposition H amended Planning Code section 102 to include a definition of “Retail Workspaces.” A Retail Workspace is defined as:

A Retail and Service Use open to the general public that provides space to work that is made available on a daily or hourly basis. Such use is only permitted as a principal use in conjunction with the concurrent operation of a principally or conditionally permitted Eating and Drinking Use, which Eating and Drinking Use shall (a) occupy no less than one-third of the gross floor area of the premises and (b) face the street. A Retail Workspace may provide services to the business community along with service to the general public. If the Retail Workspace exclusively provides services to the business community, it shall be considered a General Office Use as defined in the Planning Code.