

REVISED LEGISLATIVE DIGEST

(Amended in Board, 1/28/2020)

[Planning Code - Jackson Square Special Use District - Exemption from Limitation on Proposed Limited Restaurant Uses]

Ordinance amending the Planning Code to allow authorization of a Limited Restaurant use in the Jackson Square Special Use District that does not comply with the current requirements for a Limited Restaurant use if a building permit application furthering the establishment of such use was filed by July 19, 2018; 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 welfare under Planning Code, Section 302.

Existing Law

Planning Code Section 249.25 established the Jackson Square Special Use District and imposed specific controls on Office Uses, Business Services, and Institutional Uses. In March, 2018, Ordinance No. 47-18, was enacted imposing new controls on Restaurant, Limited Restaurant, and Bar uses. The new controls allow new Restaurants, Limited Restaurants, and Bar uses on the First Story as a Conditional Use but only if (1) the Zoning Administrator first determines that the space the proposed use will occupy was last legally occupied by a Restaurant, Limited Restaurant, or Bar, whichever use or uses are applicable, and (2) the proposed new use will not enlarge the space. For a proposed Limited Restaurant, it may only be authorized if it will occupy a space that is currently or was last legally occupied by a Limited Restaurant, Restaurant, or Bar. A Conditional Use is not required if the use remains the same as the prior authorized use, with no enlargement or intensification of use.

Amendments to Current Law

This ordinance will amend Section 249.25 to provide an exception from the current requirements for a proposed Limited Restaurant use if an application for a building permit necessary for the establishment of such use was filed with the City by July 19, 2018.

Background Information

The sponsors of new restaurant and bar uses often obtain financing, negotiate leases, and prepare plans for use of the space well before filing an application for a tenant improvement or other City permits. Since a Limited Restaurant use is less intensive than a full-service Restaurant or Bar use, it would have less of an impact on the neighborhood and surrounding uses. This ordinance creates an exception from the newly-enacted controls for a proposed Limited Restaurant use that is limited in time and will not impact the purpose of the newly-enacted controls.

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