

BOARD of SUPERVISORS



City Hall  
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

### LAND USE AND ECONOMIC DEVELOPMENT COMMITTEE SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Scott Wiener, Chair  
Land Use and Economic Development Committee

FROM: Andrea Ausberry, Committee Clerk

DATE: April 21, 2014

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**  
Tuesday, April 22, 2014

The following file should be presented as a **COMMITTEE REPORT** at the Board meeting, Tuesday, April 22, 2014. This item was acted upon at the Committee Meeting on April 21, 2014, at 1:30 p.m., by the votes indicated.

**Item No. 21**                      **File No. 140384**

Resolution exempting ground floor commercial uses from Police Code, Section 1036.31(a)-(b), which allows up to 10 individual arcade devices at each commercial location, on parcels zoned Upper Market Neighborhood Commercial Transit District and at 1767 Waller Street.

AMENDED on Page 1, Line 24, by changing 'more than' to 'up to'

Vote: Supervisor Scott Wiener - Aye  
Supervisor Jane Kim - Aye  
Supervisor Malia Cohen - Aye

RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

Vote: Supervisor Scott Wiener - Aye  
Supervisor Jane Kim - Aye  
Supervisor Malia Cohen - Aye

c: Board of Supervisors  
Angela Calvillo, Clerk of the Board  
Rick Caldeira, Deputy Legislative Clerk  
Jon Givner, Deputy City Attorney

File No. 140384

Committee Item No. 3

Board Item No. 21

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date April 21, 2014

Board of Supervisors Meeting Date April 22, 2014

#### Cmte Board

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/>            | <input 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 type="checkbox"/>            | <input type="checkbox"/>            | Introduction Form                            |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | 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"/>            | Public Correspondence                        |

OTHER (Use back side if additional space is needed)

<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
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Completed by: Andrea Ausberry Date April 17, 2014

Completed by:  Date 4.21.14

AMENDED IN COMMITTEE

4/21/14

FILE NO. 140384

RESOLUTION NO.

1 [Exempting Certain Locations from Police Code Provisions Regulating Arcades]

2  
3 **Resolution exempting ground floor commercial uses from Police Code, Section**  
4 **1036.31(a)-(b), which allows up to 10 individual arcade devices at each commercial**  
5 **location, on parcels zoned Upper Market Neighborhood Commercial Transit District**  
6 **and at 1767 Waller Street.**

7  
8 WHEREAS, The Planning Code and the Police Code regulate Amusement Game  
9 Arcade devices, which are also know as Mechanical Amusement Devices; and

10 WHEREAS, The Planning Code defines Amusement Game Arcades in Section 890.4  
11 and regulates where Arcades may be located pursuant to the zoning tables for each zoning  
12 district; and

13 WHEREAS, The Planning Code generally permits Arcade games as an Accessory Use  
14 in a commercial establishment so long as the Arcade games comply with the square footage  
15 controls of the Police Code, Section 1036.31(b); and

16 WHEREAS, Police Code, Section 1036.31(a), establishes prohibited areas for  
17 Mechanical Amusement Devices and section 1036.31(b) establishes the number of  
18 Mechanical Amusement Devices that are allowed as an Accessory Use based on total square  
19 footage of the principal use with a cap of 10 devices; and

20 WHEREAS, Police Code Section, 1036.31(d)(1), allows the Board of Supervisors to  
21 exempt specific locations or geographic areas from the controls of Police Code, Section  
22 1036.31(a)-(b), by resolution; and

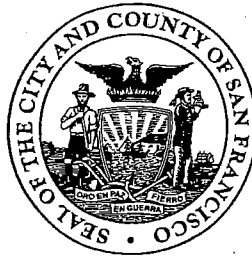
23 WHEREAS, Such resolution would have the practical effect of allowing a commercial  
24 establishment to locate up to 10 Mechanical Amusement Devices in a particular location; now,  
25 therefore, be it

1 RESOLVED, That any ground-floor commercial use in a parcel zoned Upper Market  
2 Neighborhood Commercial Transit shall be exempt from the limitations and restrictions set  
3 forth in Subsections (a) and (b) of Police Code, Section 1036.31; and, be it

4 FURTHER RESOLVED, That any ground-floor commercial use at 1767 Waller Street  
5 shall be exempt from the limitations and restrictions set forth in Subsections (a) and (b) of  
6 Police Code, Section 1036.31.

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## MEMORANDUM

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

FROM: Andrea Ausberry, Assistant Clerk, Land Use & Economic Development  
Committee Board of Supervisors

DATE: April 14, 2014

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS  
Land Use & Economic Development Committee

The Board of Supervisors' Land Use & Economic Development 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. 140384**

**Resolution exempting ground floor commercial uses from Police Code, Section 1036.31(a)-(b), which allows up to 10 individual arcade devices at each commercial location, on parcels zoned Upper Market Neighborhood Commercial Transit District and at 1767 Waller Street.**

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

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## MEMORANDUM

TO: Greg Suhr, Chief, Police Department

FROM: Andrea Ausberry, Assistant Clerk, Land Use & Economic Development Committee  
Board of Supervisors

DATE: April 17, 2014

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by Supervisor Breed on April 15, 2014:

**File No. 140384**

**Resolution exempting ground floor commercial uses from Police Code, Section 1036.31(a)-(b), which allows up to 10 individual arcade devices at each commercial location, on parcels zoned Upper Market Neighborhood Commercial Transit District and at 1767 Waller Street.**

If you have any additional 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.

c:  
Christine Fountain, Police Department  
Insp. John Monroe, Police Commission

Member, Board of Supervisors  
District 8



Orig: LV Comm Clerk  
c: COB, Leg Dep  
City and County of San Francisco


**SCOTT WIENER**

威善高

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DATE: April 17<sup>th</sup>, 2014

TO: Angela Calvillo  
Clerk of the Board of Supervisors

FROM: Supervisor Scott Wiener   
Chairperson, Land Use and Economic Development Committee

RE: Land Use and Economic Development Committee  
COMMITTEE REPORT

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RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2014 APR 17 AM 10:07

Pursuant to Board Rule 4.20, as Chair of the Land Use and Economic Development Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on April 22, 2014, as a Committee Report:

**140384 Exempting Certain Locations from Police Code Provisions Regulating Arcades**

Resolution exempting ground floor commercial uses from Police Code, Section 1036.31(a)-(b), which allows up to 10 individual arcade devices at each commercial location, on parcels zoned Upper Market Neighborhood Commercial Transit District and at 1767 Waller Street.

This matter will be heard in the Land Use and Economic Development Committee on April 21<sup>st</sup>, 2014, at 1:30 p.m.

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

RECEIVED  
 BOARD OF SUPERVISORS  
 SAN FRANCISCO  
 2011 APR 19 PM 1:25  
 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 [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach 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 a Imperative Form.**

**Sponsor(s):**

Breed, Wiener

**Subject:**

Exempting Certain Locations from Police Code Provisions Regulating Arcades

**The text is listed below or attached:**

Resolution exempting ground floor commercial uses from Police Code Section 1036.31(a)-(b), which allows up to 10 individual arcade devices at each commercial location, on parcels zoned Upper Market Neighborhood Commercial Transit District and at 1767 Waller Street.

Signature of Sponsoring Supervisor:

For Clerk's Use Only:

140384



