

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

July 6, 2016

File No. 160748

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

Dear Ms. Jones:

On June 28, 2016, Supervisor Kim introduced the following proposed legislation:

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.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

By: Andrea Ausberry, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

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

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.

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

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

Section 1..Findings.

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

(b) On _____, the Planning Commission, in Resolution No. _____, 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
25

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
* * * *			
Assembly, Recreation, Arts and Entertainment			
****	****	****	****
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
* * * *			
Assembly, Recreation, Arts and Entertainment			

****	****	****	****
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
* * * *			
Assembly, Recreation, Arts and Entertainment			
****	****	****	****
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
* * * *			
Assembly, Recreation, Arts and Entertainment			
****	****	****	****
845.58	Amusement Arcade	§ 890.4	<u>P</u> NP
****	****	****	****

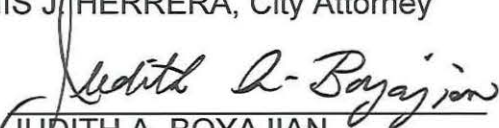
* * * *

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

18 n:\legana\as2016\1600799\01115666.docx
19
20
21
22
23
24
25

LEGISLATIVE DIGEST

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

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.

Existing Law

Planning Code Section 803.4 specifies the uses prohibited in South of Market and Eastern Neighborhoods Mixed Use Districts, one of which is an Amusement Game Arcade. Section 890.4 defines an Amusement Game Arcade as a "retail use which provides 11 or more amusement games such as video games, pinball machines, or other such similar mechanical and electronic amusement devices" and are regulated by Sections 1036 et seq. of the Police Code. Article 8 contains Zoning Control Tables for the South of Market and Eastern Neighborhoods Mixed Use Districts that set forth the zoning controls for specific uses.

Amendments to Current Law

Section 803.4 is amended to delete the prohibition against amusement game arcades. The Zoning Control Tables for South of Market and Eastern Neighborhoods Mixed Use Districts that prohibit Amusement Arcades are amended to permit them.

Background Information

The operation and maintenance of mechanical amusement devices and arcades are regulated by Police Code Sections 1036 et seq. The Entertainment Commission is charged with enforcing the requirements through the issuance of permits and enforcement of operating standards and regulations. In Ordinance No. 195-14, enacted in September, 2014, the Board of Supervisors extensively revised and updated Police Code Sections 1036 et seq. by reducing the restrictions on the location of such devices and arcades, lessening the permitting requirements, and deleting obsolete provisions.

n:\legana\as2016\1600799\01116064.docx