

1 [Planning Code - Amusement Arcades in the South of Market and Eastern Neighborhoods
2 Mixed Use Service/Light Industrial Districts]

3 **Ordinance amending the Planning Code to allow amusement arcades in the South of**
4 **Market Service/Light Industrial District all ~~South of Market and Eastern Neighborhoods~~**
5 **~~Mixed Use Districts except for the Residential Enclave Districts~~; affirming the Planning**
6 **Department’s determination under the California Environmental Quality Act; making**
7 **findings of consistency with the General Plan, and the eight priority policies of**
8 **Planning Code, Section 101.1; and adopting findings of public convenience, necessity,**
9 **and 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. 160748 and is incorporated herein by reference. The Board affirms
23 this determination.

24 (b) On September 29, 2016, the Planning Commission, in Resolution No. 19750,
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

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. 160748, 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. 19750 and the Board incorporates such reasons herein by
6 reference.

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8 Section 2. The Planning Code is hereby amended by revising Section 803.4 and the
9 Zoning Control Tables of Sections ~~817 840, 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~~ amusement game arcade
18 or similar enterprise (except as permitted in the Service/Light Industrial District); shooting
19 gallery; general advertising signs, except in the South of Market General Advertising Special
20 Sign District; animal kennel, riding academy or livery stable; automobile, truck, van,
21 recreational vehicle/trailer or camper sales, lease or rental; auto tow of inoperable vehicles;
22 auto wrecking operation; drive-up facility; hotel (except as permitted as a conditional use as
23 provided in Planning Code Section 818, Service/Secondary Office District), motel, hostel, inn,
24 or bed and breakfast establishment; heavy industry subject to Section 226(e) through (w) of
25 this Code; junkyard; landing field for aircraft; massage establishment subject to Section 218.1

1 of this Code; except in the Residential/Service Mixed Use District when provided in
 2 conjunction with full-service spa services; mortuary; movie theater and sports stadium or
 3 arena.

4 (b) No use, even though listed as a permitted use or otherwise allowed, shall be
 5 permitted in a South of Market District or Eastern Neighborhood Mixed Use District which, by
 6 reason of its nature or manner of operation, creates conditions that are hazardous, noxious, or
 7 offensive through the emission of odor, fumes, smoke, cinders, dust, gas, vibration, glare,
 8 refuse, water-carried waste, or excessive noise.

9 (c) The establishment of a use that sells alcoholic beverages, other than beer and
 10 wine, concurrent with motor vehicle fuel is prohibited, and shall be governed by Section 229.

11 **SEC. 817. SLI – SERVICE/LIGHT INDUSTRIAL DISTRICT.**

12 The Service/Light Industrial (SLI) District is designed to protect and facilitate the
 13 expansion of existing general commercial, manufacturing, home and business service,
 14 live/work use, arts uses, light industrial activities and small design professional office firms.
 15 Existing group housing and dwelling units are protected from demolition or conversion to
 16 nonresidential use and development of group housing and low-income affordable dwelling
 17 units are permitted as a conditional use. General office, hotels, movie theaters, nighttime
 18 entertainment and adult entertainment uses are not permitted. Accessory Dwelling Units are
 19 permitted within the district pursuant to subsection 207(c)(4) of this Code.

20 **Table 817**

21 **SLI – SERVICE/LIGHT INDUSTRIAL DISTRICT ZONING CONTROL TABLE**

22

| No. | Zoning Category | § References | Service/Light Industrial District Controls |
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| * * * * | * * * * | * * * * | * * * * |
| Assembly, Recreation, Arts and Entertainment | | | |
| * * * * | * * * * | * * * * | * * * * |
| <u>817.42</u> | <u>Amusement Game</u> <u>Arcade</u> | <u>§ 890.4</u> | <u>P</u> |
| * * * * | | | |

Section 3. As introduced, this ordinance proposed amendments to the Zoning Control Tables of Planning Code Sections 840, 841, 842, and 845 to allow Amusement Game Arcades in those zoning districts. At its regularly scheduled meeting on February 13, 2017, the Land Use and Transportation Committee deleted those proposed changes from the ordinance.

Section 4. 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 5. 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.

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

6 By: _____
7 JUDITH A. BOYAJIAN
8 Deputy City Attorney
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