FILE NO. 111091

RESOLUTION NO. 444-11

[Approval of a 60-Day Extension for Planning Commission Review of Self-Service Restaurants, Retail Coffee Stores, and Video Stores (File No. 110152)]

Resolution extending by 60 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance (File No. 110152) that would amend Sections 710, 730, 733A, 733A.1, 790.90, 790.91, and 790.102 of the Planning Code to: 1) increase the maximum use size for Small Self-Service Restaurants in Neighborhood Commercial Districts to that of the non-residential use size limit for the district and eliminate the limit on the number of seats: 2) increase the minimum size for Large Self-Service Restaurants in Neighborhood Commercial Districts to that of the non-residential use size limit for the district; 3) principally permit Small Self-Service Restaurants and Video Stores in Neighborhood Commercial Cluster (NC-1) and Neighborhood Commercial Transit Cluster (NCT-1) Districts: 4) conditionally permit Large Self- Service Restaurants in the Inner Sunset Neighborhood Commercial District; 5) require that mechanical noise and vibration from Self-Service Restaurants be confined to the premises; 6) remove the prohibition of on-site food preparation and cooking and reheating equipment in Retail Coffee Stores; and 7) making environmental findings and findings of consistence with the General Plan and priority policies of Planning Code Section 101.1.

WHEREAS, On March 1, 2011, Supervisor Mirkarimi introduced legislation that would amend Sections 710, 730, 733A, 733A.1, 790.90, 790.91, and 790.102 of the Planning Code to: (1) increase the maximum use size for Small Self-Service Restaurants in Neighborhood Commercial Districts to that of the non-residential use size limit for the district and eliminate the limit on the number of seats; (2) increase the minimum size for Large Self-Service

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Restaurants in Neighborhood Commercial Districts to that of the non-residential use size limit for the district; (3) principally permit Small Self-Service Restaurants and Video Stores in Neighborhood Commercial Cluster (NC-1) and Neighborhood Commercial Transit Cluster (NCT-1) Districts; (4) conditionally permit Large Self- Service Restaurants in the Inner Sunset Neighborhood Commercial District; (5) require that mechanical noise and vibration from Self-Service Restaurants be confined to the premises; (6) remove the prohibition of on-site food preparation and cooking and reheating equipment in Retail Coffee Stores; and making environmental findings and findings of consistence with the General Plan and priority policies of Planning Code Section 101.1. A copy of said legislation is on file with the Clerk of the Board of Supervisors in File No. 110152 and is incorporated herein by reference; and,

WHEREAS, On or about February 15, 2011, the Clerk of the Board of Supervisors referred the proposed ordinance to the Planning Commission, which currently is reviewing the proposed ordinance; and,

WHEREAS, The Board, in accordance with Planning Code Section 306.4(d) may, by resolution, extend the prescribed time within which the Planning Commission is to render its decision on proposed amendments to the Planning Code that the Board of Supervisors initiates; and,

WHEREAS, On or about March 29, 2011 the Board of Supervisors extended the time within which the Planning Commission may render its decision on the proposed legislation for an additional 30 days, or until June 15, 2011 under Resolution Number 0149-11; and,

WHEREAS, On or about May 26, 2011 the Planning Commission held a public hearing and heard testimony on the proposed legislation and continued the item until August 4, 2011 in order to allow for more public outreach; and,

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WHEREAS, Supervisor Mirkarimi requested additional time for the Planning Commission to review the proposed ordinance; and to allow for more public outreach; and,

WHEREAS, On June 21, 2011, the Board extended the prescribed time within which the Planning Commission could render its decision on the proposed ordinance for approximately 90 additional days, until September 15, 2011, under Resolution Number 110571; and,

WHEREAS, Supervisor Mirkarimi and the Planning Department conducted more outreach, but recognized a need for further discussions with community stakeholders; and

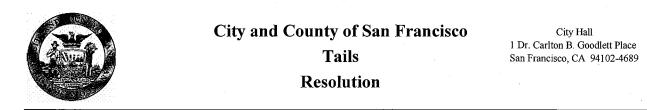
WHEREAS, the Board extended the prescribed time within which the Planning Commission could render its decision on the proposed ordinance for approximately 30 days, until October 13, under Resolution Number 110925; and,

WHEREAS, Supervisor Mirkarimi and the Planning Department conducted more outreach, but recognize a need for further discussions with community stakeholders; and

The Board of Supervisors deems it appropriate in this instance to grant to the Planning Commission additional time to review the proposed ordinance and render its decision; now therefore be it

RESOLVED, That by this resolution, the Board hereby extends the prescribed time within which the Planning Commission may render its decision on the proposed ordinance for approximately 60 additional days, until December 15, 2011.

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File Number: 111091

Date Passed: October 18, 2011

Resolution extending by 60 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance (File No. 110152) that would amend Sections 710, 730, 733A, 733A.1, 790.90, 790.91, and 790.102 of the Planning Code to: 1) increase the maximum use size for Small Self-Service Restaurants in Neighborhood Commercial Districts to that of the non-residential use size limit for the district and eliminate the limit on the number of seats; 2) increase the mon-residential use size limit for the district; 3) principally permit Small Self-Service Restaurants and Video Stores in Neighborhood Commercial Cluster (NC-1) and Neighborhood Commercial Transit Cluster (NCT-1) Districts; 4) conditionally permit Large Self-Service Restaurants in the Inner Sunset Neighborhood Commercial District; 5) require that mechanical noise and vibration from Self-Service Restaurants be confined to the premises; 6) remove the prohibition of on-site food preparation and cooking and reheating equipment in Retail Coffee Stores; and 7) making environmental findings and findings of consistence with the General Plan and priority policies of Planning Code Section 101.1.

October 18, 2011 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 111091

I hereby certify that the foregoing Resolution was ADOPTED on 10/18/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo Clerk of the Board

Mayor Edwin Lee

Date Approved