

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

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

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

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

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

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

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

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

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

3 WHEREAS, On June 21, 2011, the Board extended the prescribed time within which
4 the Planning Commission could render its decision on the proposed ordinance for
5 approximately 90 additional days, until September 15, 2011, under Resolution Number
6 110571; and,

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

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

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

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

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

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