

1 [Planning Code - Prohibiting Employee Cafeterias within Office Space]

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3 **Ordinance amending the Planning Code to prohibit Employee Cafeterias, as defined in**  
 4 **the Health Code, within Office space, except for existing Employee Cafeterias;**  
 5 **affirming the Planning Department’s determination under the California Environmental**  
 6 **Quality Act; making findings of consistency with the General Plan, and the eight**  
 7 **priority policies of Planning Code, Section 101.1; and adopting findings of public**  
 8 **necessity, convenience, and welfare under Planning Code, Section 302.**

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

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

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16 Section 1. Findings.

17 (a) The Planning Department has determined that the actions contemplated in this  
 18 ordinance comply with the California Environmental Quality Act (California Public Resources  
 19 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
 20 Supervisors in File No. 180777 and is incorporated herein by reference. The Board affirms  
 21 this determination.

22 (b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_, adopted  
 23 findings that the actions contemplated in this ordinance are consistent, on balance, with the  
 24 City’s General Plan and eight priority policies of Planning Code Section 101.1. The Board

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1 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the  
2 Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this  
4 ordinance will serve the public necessity, convenience, and welfare for the reasons stated in  
5 Planning Commission Resolution No. \_\_\_\_\_.

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7 Section 2. The Planning Code is hereby amended by revising Sections 102 and 202.2,  
8 to read as follows:

9 **SEC. 102. DEFINITIONS.**

10 \* \* \* \*

11 **Office, General.** A Non-Retail Sales and Service Use that includes space within a structure or  
12 portion thereof intended or primarily suitable for occupancy by persons or entities which  
13 perform, provide for their own benefit, or provide to others at that location, services including,  
14 but not limited to, the following: professional, banking, insurance, management, consulting,  
15 technical, sales, and design; and the non-accessory office functions of manufacturing and  
16 warehousing businesses, multimedia, software development, web design, electronic  
17 commerce, and information technology. This use shall exclude Non-Retail Professional  
18 Services as well as Retail Uses; repair; any business characterized by the physical transfer of  
19 tangible goods to customers on the premises; wholesale shipping, receiving and storage; and  
20 design showrooms or any other space intended and primarily suitable for display of goods. An  
21 Office use is subject to the operating conditions of Section 202.2 of this Code.

22 \* \* \* \*

23 **SEC. 202.2. LOCATION AND OPERATING CONDITIONS.**

24 \* \* \* \*

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1            (j) **Non-Retail Sales and Service Use; Office.** An “Employee Cafeteria,” as defined in  
2 Section 451(h) of the Health Code, is a prohibited use in Office space. Any such use lawfully existing or  
3 finally approved as of July 24, 2018 may continue and be maintained as a legal nonconforming  
4 Accessory Use but may not be expanded or re-installed if abandoned.

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6            Section 3. Effective Date. This ordinance shall become effective 30 days after  
7 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
8 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
9 of Supervisors overrides the Mayor’s veto of the ordinance.

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11            Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
12 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
13 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
14 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
15 additions, and Board amendment deletions in accordance with the “Note” that appears under  
16 the official title of the ordinance.

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18 APPROVED AS TO FORM:  
19 DENNIS J. HERRERA, City Attorney

20 By: \_\_\_\_\_  
21 JUDITH A. BOYAJIAN  
22 Deputy City Attorney

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