

1 [Planning Code - Zoning - Prohibiting Formula Retail Pet Supply Stores in the Geary
2 Boulevard Fast Food Subdistrict]

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5 **Ordinance amending the San Francisco Planning Code by amending Section 781.4 to:**

6 **1) prohibit formula retail pet supply stores, as defined, in the Geary Boulevard Fast-**

7 **Food Subdistrict; 2) amending the name of the Subdistrict to reflect this new prohibited**

8 **use; and 3) adopting findings, including environmental findings and findings of**

9 **consistency with the priority policies of Planning Code Section 101.1 and the General**

10 **Plan.**

11 NOTE: Additions are *single-underline italics Times New Roman*;
12 deletions are ~~*strike-through italics Times New Roman*~~.
13 Board amendment additions are double-underlined;
14 Board amendment deletions are ~~strikethrough normal~~.

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

16 Section 1. Findings. The Board of Supervisors of the City and County of San
17 Francisco hereby find and determine that:

18 (a) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
19 ordinance will serve the public necessity, convenience and welfare, for the reasons set forth in
20 Planning Commission Resolution No. _____, and incorporates such reasons by this
21 reference thereto. A copy of said resolution is on file with the Clerk of the Board of
22 Supervisors in File No. _____.

23 (b) Pursuant to Planning Code Section 101.1, the Board of Supervisors finds that the
24 ordinance is consistent with the Priority Policies of Section 101.1(b) of the Planning Code and
25 with the General Plan and hereby incorporates a report containing those findings as if fully set
forth herein. A copy of said report is on file with the Clerk of the Board of Supervisors in File
No. _____.

1 (c) The Planning Department concluded environmental review of this ordinance
2 pursuant to the California Environmental Quality Act, Public Resources Code Section 2100 et
3 seq. Documentation of that review is on file with the Clerk of the Board of Supervisors in File
4 No. _____.

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6 Section 2. Section 781.4 is amended as follows:

7 **SEC. 781.4. Geary Boulevard Fast-Food and Formula Retail Pet Supply Store**
8 **Subdistrict.**

9 In order to preserve the mix and variety of goods and services provided to the
10 Richmond neighborhood and City residents and prevent further proliferation of fast-food
11 restaurant uses, *as well as formula retail pet supply store uses*, and prevent further aggravation of
12 parking and traffic congestion in this district, there shall be a Geary Boulevard Fast-Food *and*
13 *Formula Retail Pet Supply Store* Subdistrict, generally applicable for the NC-3-zoned portion of
14 Geary Boulevard between 14th and 28th Avenues, as designated on Sectional Maps 3SU and
15 4SU of the Zoning Map. The following provisions shall apply within such subdistrict:

16 (a) A large fast-food restaurant, as defined in Section 790.90 of this Code, shall not be
17 permitted in this subdistrict.

18 (b) *A retail use, as defined in Section 790.102 (g) of this Code, that is a pet supply store and*
19 *also a formula retail use, as defined in Section 703.3(b) of this Code, shall not be permitted in this*
20 *subdistrict. For purposes of this subsection, a "pet supply store" shall be defined as a retail use which*
21 *sells pet food, toys, apparatus and similar pet items.*

22 (c) The provisions of Sections 180 through 186.1 of this Code shall govern large fast-
23 food restaurants and *formula retail pet supply stores* which existed lawfully at the effective date
24 of this Code in this subdistrict.

1 Section 3. This section is uncodified.

2 The Board of Supervisor intends that the requirements of this Ordinance shall be
3 retroactive. Any conditional use permit application that is pending as of the date of
4 introduction of this Ordinance for a formula retail pet supply store within the boundaries of the
5 Geary Boulevard Fast Food and Formula Retail Pet Supply Store Subdistrict, as defined
6 herein, shall be subject to the requirements of this Ordinance.

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8 Section 4. This section is uncodified.

9 Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or
10 phrase of this Ordinance or any part thereof, is for any reason held to be unconstitutional,
11 invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the
12 validity or effectiveness of the remaining portions of this Ordinance. The Board of Supervisors
13 hereby declares that it would have passed each section, subsection, subdivision, paragraph,
14 sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections,
15 subsections, subdivision paragraphs, sentences, clauses, or phrases be declared
16 unconstitutional, invalid or ineffective.

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

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21 By: _____
22 ANDREA RUIZ-ESQUIDE
23 Deputy City Attorney

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