

BOARD of SUPERVISORS



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July 31, 2018

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

On July 24, 2018, Supervisor Safai introduced the following legislation:

File No. 180777

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

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

c: John Rahaim, Director of Planning
Aaron Starr, Acting Manager of Legislative Affairs
Scott Sanchez, Zoning Administrator
Lisa Gibson, Environmental Review Officer
AnMarie Rodgers, Director of Citywide Planning
Laura Lynch, Environmental Planning
Joy Navarrete, Environmental Planning

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

2
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.

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

17 Section 1. Findings.

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

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

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. _____.

6
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 * * * *

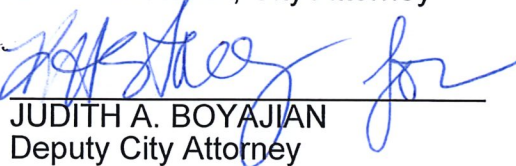
1 (j) **Non-Retail Sales and Service Use; Office.** An “Employee Cafeteria,” as defined in
2 Section 451(h) of the Health Code, is a prohibited use in Office space. Any such use lawfully existing or
3 finally approved as of July 24, 2018 may continue and be maintained as a legal nonconforming
4 Accessory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

5
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.

10
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.

17
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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LEGISLATIVE DIGEST

[Planning Code - Prohibiting Employee Cafeterias within Office Space]

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

Existing Law

Section 102 of the Planning Code defines uses and terms used throughout the Code. "Office, General" is defined in Section 102 as "A Non-Retail Sales and Service Use that includes space within a structure or portion thereof intended or primarily suitable for occupancy by persons or entities which perform, provide for their own benefit, or provide to others at that location, services including, but not limited to, the following: professional, banking, insurance, management, consulting, technical, sales, and design; and the non-accessory office functions of manufacturing and warehousing businesses, multimedia, software development, web design, electronic commerce, and information technology." It does not include "Non-Retail Professional Services as well as Retail Uses; repair; any business characterized by the physical transfer of tangible goods to customers on the premises; wholesale shipping, receiving and storage; and design showrooms or any other space intended and primarily suitable for display of goods." Section 202.2 establishes location and operating conditions for specific use categories.

Amendments to Current Law

The definition of "Office, General" in Section 102 is amended to provide it is subject to the operating conditions of Section 202.2. Section 202.2 is amended to provide that an "Employee Cafeteria," as defined in Health Code Section 451(h), is prohibited in Office space but that any such use lawfully existing or finally approved as of July 24, 2018 may continue and be maintained. It may not, however, be expanded or re-installed if abandoned. An "Employee Cafeteria" is defined in the Health Code as "a food facility located within business premises where the business employees are provided or sold food on a regular basis. Food and drink are not regularly served to the public and the food establishment is not subject to tax. The operators of the food facility are either employees of the business or are contracted by that business."