

1 [General Plan Amendment - Commerce and Industry Element; Guidelines for Eating and
2 Drinking Establishments]

3 **Ordinance amending the Commerce and Industry Element of the General Plan to**
4 **update the guidelines regarding overconcentration of Eating and Drinking**
5 **Establishments in a single area; affirming the Planning Department's determination**
6 **under the California Environmental Quality Act; and making findings of consistency**
7 **with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

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

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

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. 170002 and is incorporated herein by reference. The Board affirms
21 this determination.

22 (b) On December 1, 2016, the Planning Commission, in Resolution No. 19803,
23 adopted findings that the actions contemplated in this ordinance are consistent with the City's
24 General Plan and the eight priority policies of Planning Code Section 101.1. The Board of
25 Supervisors adopts these findings as its own. A copy of said Resolution is on file with the
Clerk of the Board of Supervisors in File No. 170002, and is incorporated herein by reference.

1 (c) Charter Section 4.105 and Planning Code Section 340 provide that the Planning
2 Commission shall periodically recommend to the Board of Supervisors, for approval or
3 rejection, proposed amendments to the General Plan in response to changing conditions.

4 (d) Pursuant to Planning Code Section 340, an amendment to the General Plan
5 may be initiated by a resolution of intention by the Planning Commission referring to, and
6 incorporating by reference, the proposed General Plan amendment. The Planning
7 Commission shall adopt the proposed General Plan amendment if, after a public hearing, it
8 finds from the facts presented that the public necessity, convenience and general welfare
9 require the proposed amendment or any part thereof. If adopted by the Commission, in whole
10 or in part, the proposed amendment shall be presented to the Board of Supervisors, which
11 may approve or reject the amendment by a majority vote.

12 (e) The Commerce and Industry Element sets forth objectives and policies
13 addressing the broad range of economic activities, facilities and support systems that
14 constitute San Francisco's employment and service base. The Guidelines for Specific Uses
15 contained in the Neighborhood Commerce section states that "[t]he balance of commercial
16 uses may be threatened when eating and drinking establishments occupy more than 20% of
17 the total occupied commercial frontage," with a higher percentage of 25% for districts such as
18 North Beach where there is an established pattern of service to a broad market.

19 (f) Planning Code Section 303(o) states that the existing concentration of eating
20 and drinking uses in an area should not exceed 25% of the total commercial frontage within
21 300 feet of the establishment and within the same zoning district.

22 (g) Because there is specific language in the Planning Code regarding
23 concentration of eating and drinking uses in an area, the proposed amendments to the
24 General Plan will replace the existing specific language in the Guidelines with general policy
25 statements regarding the impacts of clustering.

1 (h) At a public hearing held on June 30, 2016, the Planning Commission adopted a
2 Resolution of Intention to initiate the proposed amendment to the General Plan in order to
3 update the Commerce and Industry Element. At a public hearing held on December 1, 2016,
4 the Commission adopted Resolution No. 19803, finding that the proposed General Plan
5 amendment serves the public necessity, convenience and general welfare and recommending
6 the amendment to the Board of Supervisors.

7 (i) In a letter dated December 22, 2016, the Planning Department transmitted to the
8 Board of Supervisors the proposed General Plan amendment and the Planning Commission's
9 adoption actions. The Board received this transmittal on December 22, 2016, and it is on file
10 with the Clerk of the Board of Supervisors in File No. 170002.

11 (j) The Board of Supervisors finds, pursuant to Planning Code Section 340, that the
12 proposed General Plan amendment will serve the public necessity, convenience and general
13 welfare for the reasons set forth in Planning Commission Resolution No. 19803 and
14 incorporates those reasons herein by reference.

15
16 Section 2. The General Plan is hereby amended by revising the text of the Commerce
17 and Industry Element, to read as follows:

18 **Neighborhood Commerce**

19 **Objective 6**

20 **Maintain and Strengthen Viable Neighborhood Commercial Areas Easily Accessible to**
21 **City Residents.**

22 * * * *

1 **POLICY 6.1**

2 Ensure and encourage the retention and provision of neighborhood-serving goods and
3 services in the city's neighborhood commercial districts, while recognizing and encouraging
4 diversity among the districts.

5 * * * *

6 **GUIDELINES FOR SPECIFIC USES**

7 * * * *

8 **Eating and Drinking Uses**

9 * * * *

10 In districts where the proliferation of eating and drinking establishments could generate
11 problems, the following guidelines should be employed in the consideration of new
12 establishments, relocations, changes from one kind of eating and drinking establishment to
13 another (e.g. from self-service restaurant to full-service restaurant), expansion or
14 intensification of existing establishments:

- 15 • The establishment should not add to an overconcentration of eating and drinking
16 establishments in a single district. The balance of commercial uses may be threatened
17 when eating and drinking establishments occupy ~~more than 20% of the total occupied~~ an
18 overconcentration of commercial frontage. Proposals for eating and drinking
19 establishments which would increase the proportion of total occupied commercial
20 frontage above ~~20%~~ what is prescribed in the Planning Code should be reviewed to ensure
21 that they would not reduce the variety of neighborhood-serving uses; nor create
22 substantial noise, traffic, parking problems, or other nuisances in the district or
23 surrounding neighborhood. ~~Those establishments that would do the above should not be~~
24 ~~permitted. Except in districts with an established pattern of service to a broad market, such as~~
25 ~~North Beach, such establishments should not occupy more than 25% of the total commercially-~~

1 ~~occupied frontage in a district. To minimize the problems they can create, eating and drinking~~
2 ~~uses should generally be at least 100 feet apart from each other, unless there are factors making~~
3 ~~clustering of uses appropriate. For example, a configuration of clustered eating and drinking~~
4 ~~uses where off-street parking is shared might be more appropriate than an even distribution of~~
5 ~~such establishments.~~

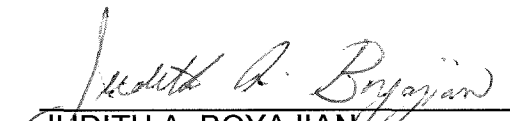
6 * * * *

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

12
13 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
14 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
15 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the General
16 Plan that are explicitly shown in this ordinance as additions, deletions, Board amendment
17 additions, and Board amendment deletions in accordance with the "Note" that appears under
18 the official title of the ordinance.

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

22
23 By:


24 JUDITH A. BOYAJIAN
Deputy City Attorney

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City and County of San Francisco

Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 170002

Date Passed: March 14, 2017

Ordinance amending the Commerce and Industry Element of the General Plan to update the guidelines regarding overconcentration of Eating and Drinking Establishments in a single area; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

March 06, 2017 Land Use and Transportation Committee - RECOMMENDED AS COMMITTEE REPORT

March 07, 2017 Board of Supervisors - PASSED ON FIRST READING

Ayes: 8 - Breed, Cohen, Farrell, Ronen, Safai, Sheehy, Tang and Yee

Noes: 2 - Fewer and Peskin

Excused: 1 - Kim

March 14, 2017 Board of Supervisors - FINALLY PASSED

Ayes: 8 - Breed, Cohen, Farrell, Ronen, Safai, Sheehy, Tang and Yee

Noes: 3 - Fewer, Kim and Peskin

File No. 170002

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 3/14/2017 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

3/24/2017

Date Approved