

1 [Approval of a 30 Day Extension for Planning Commission Review]

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3 **Resolution extending by 30 days the prescribed time within which the Planning**
4 **Commission may render its decision on a proposed Ordinance that would amend**
5 **Sections 710, 730, 733A, 733A.1, 790.90, 790.91, and 790.102 of the Planning Code to: 1)**
6 **increase the maximum use size for Small Self-Service Restaurants in Neighborhood**
7 **Commercial Districts to that of the non-residential use size limit for the district and**
8 **eliminate the limit on the number of seats; 2) increase the minimum size for Large Self-**
9 **Service Restaurants in Neighborhood Commercial Districts to that of the non-**
10 **residential use size limit for the district; 3) principally permit Small Self-Service**
11 **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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20 WHEREAS, On March 1, 2011, Supervisor Mirkarimi introduced legislation that would
21 amend Sections 710, 730, 733A, 733A.1, 790.90, 790.91, and 790.102 of the Planning Code
22 to: (1) increase the maximum use size for Small Self-Service Restaurants in Neighborhood
23 Commercial Districts to that of the non-residential use size limit for the district and eliminate
24 the limit on the number of seats; (2) increase the minimum size for Large Self-Service
25 Restaurants in Neighborhood Commercial Districts to that of the non-residential use size limit

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

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

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

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

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

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

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

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

7 WHEREAS, The Board of Supervisors deems it appropriate in this instance to grant to
8 the Planning Commission additional time to review the proposed ordinance and render its
9 decision; now therefore be it

10 RESOLVED, That by this resolution, the Board hereby extends the prescribed time
11 within which the Planning Commission may render its decision on the proposed ordinance for
12 approximately 30 additional days, until October 13, 2011.