

## LEGISLATIVE DIGEST

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

**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.**

### Existing Law

The Commerce and Industry Element of the City's General Plan states that (1) the balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20% of the total occupied commercial frontage of a single zoning district and (2) eating and drinking establishments should not occupy more than 25% of the total commercially-occupied frontage in zoning districts with an established pattern of service to a broad market.

Planning Code Section 303 establishes a specific percentage limit for eating and drinking uses when such a use is seeking a Conditional Use authorization. Subsection (o) provides that such uses should not exceed 25% of the total commercial frontage in the same zoning district within 300 feet of the proposed establishment.

### Amendments to Current Law

The General Plan would be amended to (1) delete the specific percentages of eating and drinking establishments that can occupy total occupied commercial frontages in a single zoning district and (2) modify the language in the Guidelines for Eating and Drinking Establishments to reflect a general policy statement. Pursuant to Planning Code Section 303(o), Planning staff would continue to calculate the percentage of total commercial frontage within 300 feet of an establishment requesting a Conditional Use authorization but would no longer also have to calculate whether eating and drinking establishments occupy more than 20% of the total occupied commercial frontage of the zoning district.

### Background Information

As the primary policy document for the City's land use, the General Plan should contain general policy statements and goals. Specific requirements are more appropriately in the Planning Code. The current General Plan language confuses the complementary but different roles of the General Plan and the Planning Code, and requires planners to make two similar but distinct calculations for a specific project. In addition, the calculation prescribed in the General Plan does not meet the intent of the requirement, which is to look at the surrounding area for an overconcentration of eating and drinking uses. Simplifying the language in the

General Plan so that it reflects a general policy while leaving in place the specific requirements of the Planning Code would ensure a more effective and consistent evaluation of eating and drinking uses.

Planning Code Section 340 describes the process for amending the City's General Plan. Pursuant to subsection (d), a proposed amendment to the General Plan must be presented to the Board of Supervisors together with a copy of the Planning Commission's resolution of adoption. The Board may approve or reject the amendment by a majority vote. If the Board of Supervisors fails to act within 90 days of receipt, the amendment is deemed approved.

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