

**REVISED LEGISLATIVE DIGEST**

(Substituted, 5/1/2018)

[Planning Code - Catering as an Accessory Use in Neighborhood Commercial Districts]

**Ordinance amending the Planning Code to allow catering as an accessory use to limited restaurants in Neighborhood Commercial Districts under certain conditions; 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 making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.**

Existing Law

Planning Code Section 102 defines Accessory Use as a related minor Use that is either necessary to the operation or enjoyment of a lawful Principal or Conditional Use or appropriate, incidental, and subordinate to any such use, and is located on the same lot. Catering is defined as a Non-retail Sales and Service Use that involves the preparation and delivery of goods. A Limited Restaurant Use is defined as a Retail Sales and Service Use that serves ready-to-eat foods and/or drinks to customers for consumption on or off the premises, that may or may not have seating. A Limited Restaurant Use may include wholesaling, manufacturing, or processing of foods, goods, or commodities on the premises.

Planning Code Section 703 sets forth the permissible Accessory Uses in Neighborhood Commercial Districts and does not include Catering as a permissible Accessory Use.

Amendments to Current Law

This amendment would permit Catering as an Accessory Use to Limited Restaurants in Neighborhood Commercial Districts where: the Catering Use does not operate more than 75% of the total time permitted for the Limited Restaurant; and the Catering Use does not serve customers directly from the lot, unless it also provides retail sales of its products on the premises.

Background Information

Planning Code Section 703(d) governs Accessory Uses in Neighborhood Commercial Districts. Generally, this section does not permit the wholesaling, manufacturing, or processing of foods, goods, or commodities unless those same foods, goods, and commodities are sold on-site. This would create an exception for Catering Use under specific conditions and would allow catering companies to prepare foods on the premises of Limited Restaurants under specific conditions.

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