443-09

[Approval of a 30 day extension for Planning Commission review.]

Resolution extending by 30 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend the definition of Tobacco Paraphernalia Establishments in Section 227(v), to lower the threshold for retail stores to be considered Tobacco Paraphernalia Establishments from 15% of the square footage of the establishment to 10% of the occupied floor area, as defined in Section 102.10, or 10 linear feet of display area in total, whichever is less; amending Sections 790.123 and 890.123 to reflect this definition; amending Section 723.1 and the Table at Section 723, to make Tobacco Paraphernalia Establishments, as defined, not permitted in the Polk Street Neighborhood Commercial District; amending Section 186.1, to change the period of non use for a nonconforming Tobacco Paraphernalia Establishment use be deemed discontinued in the Polk Street NCD from three years to eighteen months, and making findings of consistency with the priority policies of the Planning Code Section 101.1 and environmental findings.

WHEREAS, On July 28, 2009, Supervisor Chiu introduced legislation to initiate the process of amending Planning Code Section 227(v), to lower the threshold for retail stores to be considered Tobacco Paraphernalia Establishments from 15% of the square footage of the establishment to 10% of the occupied floor area, as defined in Section 102.10, or 10 linear feet of display area in total, whichever is less; amending Sections 790.123 and 890.123 to reflect this definition; amending Section 723.1 and the Table at Section 723, to make Tobacco Paraphernalia Establishments, as defined, not permitted in the Polk Street Neighborhood Commercial District; amending Section 186.1, to change the period of non use for a nonconforming Tobacco Paraphernalia Establishment use be deemed discontinued in the

Polk Street NCD from three years to eighteen months. A copy of said legislation is on file with the Clerk of the Board of Supervisors in File No. 090962 and is incorporated herein by reference; and,

WHEREAS, On or about July 28, 2009, the Clerk of the Board of Supervisors referred the proposed ordinance to the Planning Commission, which currently is reviewing the proposed ordinance; and,

WHEREAS, On October 22, 2009, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and,

WHEREAS, at that October 22, 2009 hearing, the Planning Commission voted to continue the item until the November 12, 2009 public hearing for Department staff to obtain more information in order to render a decision on the proposed Ordinance; and,

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

WHEREAS, The Planning Commission has requested additional time to review the proposed ordinance; and,

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

RESOLVED, That by this resolution, the Board hereby extends the prescribed time within which the Planning Commission may render its decision on the proposed ordinance for an additional 30 days, or until November 28, 2009.



City and County of San Francisco Tails

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

Resolution

File Number:

091259

Date Passed:

Resolution extending, by 30 days, the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend the definition of Tobacco Paraphernalia Establishments in Section 227(v), to lower the threshold for retail stores to be considered Tobacco Paraphernalia Establishments from 15% of the square footage of the establishment to 10% of the occupied floor area, as defined in Section 102.10, or 10 linear feet of display area in total, whichever is less; amending Sections 790.123 and 890.123 to reflect this definition; amending Section 723.1 and the Table at Section 723, to make Tobacco Paraphernalia Establishments, as defined, not permitted in the Polk Street Neighborhood Commercial District; amending Section 186.1, to change the period of non use for a nonconforming Tobacco Paraphernalia Establishment use be deemed discontinued in the Polk Street NCD from three years to eighteen months, and making findings of consistency with the priority policies of the Planning Code Section 101.1 and environmental findings.

November 3, 2009 Board of Supervisors — ADOPTED

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar,

Maxwell, Mirkarimi Absent: 1 - Dufty

I hereby certify that the foregoing Resolution was ADOPTED on November 3, 2009 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo

Clerk of the Board

Mayor Gavin Newsom

11-10-09

Date Approved