

1 [Planning Code - ~~Prohibiting~~ Conditional Use Authorization Required for Employee Cafeterias
within Office Space]

2

3 **Ordinance amending the Planning Code to ~~prohibit~~ require a Conditional Use
4 authorization for Employee Cafeterias, as defined in the ~~Health Code~~, within Office
5 space, except for existing Employee Cafeterias; affirming the Planning Department’s
6 determination under the California Environmental Quality Act; making findings of
7 consistency with the General Plan and the eight priority policies of Planning Code,
8 Section 101.1; and adopting findings of public necessity, convenience, and welfare
9 under Planning Code, Section 302.**

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

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

18

19 Section 1. Findings.

20 (a) The Planning Department has determined that the actions contemplated in this
21 ordinance comply with the California Environmental Quality Act (California Public Resources
22 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
23 Supervisors in File No. _____ and is incorporated herein by reference. The Board affirms
24 this determination.

25 (b) On _____, the Planning Commission, in Resolution No. _____, adopted
findings that the actions contemplated in this ordinance are consistent, on balance, with the
City’s General Plan and eight priority policies of Planning Code Section 101.1. The Board

1 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
2 Board of Supervisors in File No. _____, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
4 ordinance will serve the public necessity, convenience, and welfare for the reasons stated in
5 Planning Commission Resolution No. _____.

6

7 Section 2. The Planning Code is hereby amended by revising Sections 102, 202.2,
8 and 303, to read as follows:

9 **SEC. 102. DEFINITIONS.**

10 * * * *

11 **Office, General.** A Non-Retail Sales and Service Use that includes space within a structure or
12 portion thereof intended or primarily suitable for occupancy by persons or entities which
13 perform, provide for their own benefit, or provide to others at that location, services including,
14 but not limited to, the following: professional, banking, insurance, management, consulting,
15 technical, sales, and design; and the non-accessory office functions of manufacturing and
16 warehousing businesses, multimedia, software development, web design, electronic
17 commerce, and information technology. This use shall exclude Non-Retail Professional
18 Services as well as Retail Uses; repair; any business characterized by the physical transfer of
19 tangible goods to customers on the premises; wholesale shipping, receiving and storage; and
20 design showrooms or any other space intended and primarily suitable for display of goods. An
21 Office use is subject to the operating conditions of Section 202.2 of this Code.

22 * * * *

23 **SEC. 202.2. LOCATION AND OPERATING CONDITIONS.**

24 * * * *

25

1 (j) Non-Retail Sales and Service Use; Office. An “Employee Cafeteria,” as
2 defined in Section 451(h) of the Health Code, is a prohibited use in Office space requires a
3 Conditional Use authorization pursuant to Section 303 of this Code. For purposes of this
4 subsection (j), “Employee Cafeteria” is defined as a food facility within the premises where the
5 employees are provided food on a regular basis. The operators of the food facility are either
6 employees of the business or are contracted by that business. Foods are prepared and
7 cooked on the site in a full-service kitchen with an exhaust ventilation system that requires a
8 health permit from the Department of Public Health to operate. Any such use lawfully existing or
9 finally approved as of July 24, 2018 may continue and be maintained as a legal nonconforming
10 Accessory Use but may not be expanded or re-installed if abandoned.

11 **SEC. 303. CONDITIONAL USES.**

12 * * * *

13 (y) With respect to applications for an Employee Cafeteria pursuant to Section
14 202.2(j) of this Code, in addition to the criteria set forth in Subsections (c) and (d) above the
15 Commission shall consider the following:

16 (1) The size of the proposed Employee Cafeteria and its location in the
17 building;

18 (2) Whether the proposed Employee Cafeteria would be open to the general
19 public and in a location conducive to use by the general public;

20 (3) The impact upon existing eating and drinking establishments in the
21 neighborhood, including but not limited to whether meals in the proposed Employee Cafeteria
22 would be free or heavily subsidized;

23 (4) Whether the employer will subsidize or pay for employee meals outside
24 the proposed Employee Cafeteria; and

1 (5) Whether the proposed Employee Cafeteria has committed to using all
2 reusable foodware and packaging for on-site and takeaway dining.

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

8
9 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
10 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
11 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
12 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
13 additions, and Board amendment deletions in accordance with the “Note” that appears under
14 the official title of the ordinance.

15
16 APPROVED AS TO FORM:
17 DENNIS J. HERRERA, City Attorney

18 By: _____
19 JUDITH A. BOYAJIAN
20 Deputy City Attorney

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