

1 [Approval of a 30 day extension for Planning Commission review.]
2

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 the**
5 **definition of Tobacco Paraphernalia Establishments in Section 227(v), to lower the**
6 **threshold for retail stores to be considered Tobacco Paraphernalia Establishments**
7 **from 15% of the square footage of the establishment to 10% of the occupied floor area,**
8 **as defined in Section 102.10, or 10 linear feet of display area in total, whichever is less;**
9 **amending Sections 790.123 and 890.123 to reflect this definition; amending Section**
10 **723.1 and the Table at Section 723, to make Tobacco Paraphernalia Establishments, as**
11 **defined, not permitted in the Polk Street Neighborhood Commercial District; amending**
12 **Section 186.1, to change the period of non use for a nonconforming Tobacco**
13 **Paraphernalia Establishment use be deemed discontinued in the Polk Street NCD from**
14 **three years to eighteen months, and making findings of consistency with the priority**
15 **policies of the Planning Code Section 101.1 and environmental findings.**
16

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

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

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

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

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

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

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

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

21 RESOLVED, That by this resolution, the Board hereby extends the prescribed time
22 within which the Planning Commission may render its decision on the proposed ordinance for
23 an additional 30 days, or until November 28, 2009.
24
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City and County of San Francisco

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

Tails 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

File No. 091259

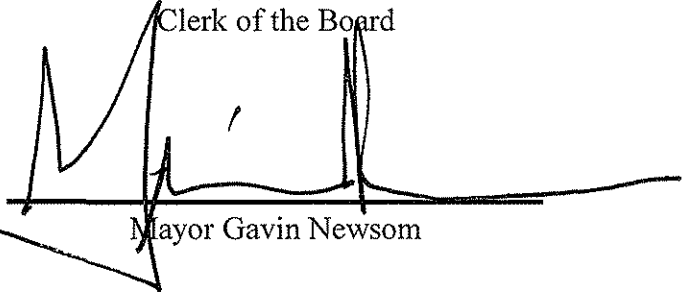
I hereby certify that the foregoing Resolution was ADOPTED on November 3, 2009 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board

11-10-09

Date Approved



Mayor Gavin Newsom