

File No. 120084

Committee Item No. 1

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date April 2, 2012

Board of Supervisors Meeting Date \_\_\_\_\_

#### Cmte Board

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Resolution                                   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Analyst Report                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form (for hearings)             |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                        |

#### OTHER (Use back side if additional space is needed)

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Environmental Review Determination, dtd 2/18/11</u>       |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Planning Commission Resolution No. 18497</u>              |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Small Business Commission Recommendation, dtd 3/23/11</u> |
| <input type="checkbox"/>            | <input type="checkbox"/> | _____  |
| <input type="checkbox"/>            | <input type="checkbox"/> | _____  |
| <input type="checkbox"/>            | <input type="checkbox"/> | _____  |
| <input type="checkbox"/>            | <input type="checkbox"/> | _____  |
| <input type="checkbox"/>            | <input type="checkbox"/> | _____  |

Completed by: Alisa Miller Date March 30, 2012

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

An asterisked item represents the cover sheet to a document that exceeds 25 pages.  
The complete document can be found in the file.

1 [Planning Code - Eating and Drinking Establishment Definitions and Controls]

2  
3 **Ordinance deleting and amending various sections of the San Francisco Planning**  
4 **Code to: 1) simplify and consolidate eating and drinking establishment definitions, and**  
5 **subject the newly-defined uses to Section 312 notification and Formula Retail controls;**  
6 **and 2) adopting environmental findings, Planning Code Section 302 findings, and**  
7 **findings of consistency with the General Plan and the Priority Policies of Planning**  
8 **Code Section 101.1.**

9 NOTE: Additions are *single-underline italics Times New Roman*;  
10 deletions are *strike-through italics Times New Roman*.  
11 Board amendment additions are double-underlined;  
Board amendment deletions are ~~strikethrough normal~~.

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

13 Section 1. Findings. The Board of Supervisors of the City and County of San  
14 Francisco hereby finds and determines that:

15 (a) Environmental Findings. The Planning Department has determined that the  
16 actions contemplated in this Ordinance are in compliance with the California Environmental  
17 Quality Act (California Public Resources Code section 21000 et seq.). Said determination is  
18 on file with the Clerk of the Board of Supervisors in File No. 110152 and is incorporated herein  
19 by reference.

20 (b) Section 302 Findings. Pursuant to Planning Code Section 302, the Board finds  
21 that the proposed ordinance will serve the public necessity, convenience and welfare for the  
22 reasons set forth in Planning Commission Resolution No. 18497, which reasons are  
23 incorporated herein by reference as though fully set forth. A copy of Planning Commission  
24 Resolution No. 18497 is on file with the Board of Supervisors in File No. 110152.

1 (c) General Plan and Planning Code Section 101.1 Findings. At a duly noticed public  
2 hearing held on November 17, 2011, the Planning Commission in Resolution No. 18497  
3 found that the proposed Planning Code amendments contained in this ordinance were  
4 consistent with the City's General Plan and with Planning Code Section 101.1(b). In addition,  
5 the Planning Commission recommended that the Board of Supervisors adopt the proposed  
6 Planning Code amendments. The Board finds that the proposed Planning Code contained in  
7 this ordinance are consistent with the City's General Plan and with Planning Code Section  
8 101.1(b) for the reasons set forth in said Resolution.

9  
10 Section 2. The San Francisco Planning Code is hereby amended by deleting Sections  
11 790.92, 790.93, 790.135, 890.22, 890.34, 890.90, 890.91, 890.92, and 890.122 as follows:

12 ~~**SEC. 790.92. RESTAURANT, FULL-SERVICE.**~~

13 ~~*A retail eating or eating and drinking use which serves food to customers primarily for*~~  
14 ~~*consumption on the premises, and is not specifically designed to attract and accommodate high*~~  
15 ~~*customer volumes or turnover.*~~

16 ~~*It has seating and serves prepared, ready-to-eat cooked foods for consumption on the premises.*~~  
17 ~~*Guests typically order and receive food and beverage while seated at tables on the premises and pay*~~  
18 ~~*for service after the meal is consumed.*~~

19 ~~*It includes, but is not limited to, lunch counters, coffee shops, soda fountains and full-service*~~  
20 ~~*dining establishments. It is distinct and separate from a small or large fast food restaurant, as defined*~~  
21 ~~*in Sections 790.90 and 790.91 of this Code.*~~

22 ~~*It may provide on-site beer and/or wine sales for drinking on the premises (with ABC licenses*~~  
23 ~~*40, 41 or 60). If it serves liquor for drinking on the premises (with ABC licenses 47 or 48), or does not*~~  
24 ~~*admit minors (with ABC licenses 42 or 61), then it shall also be considered a bar, as defined in Section*~~  
25 ~~*790.22 of this Code.*~~

1 ~~SEC. 790.93. SPECIALTY FOOD, SELF-SERVICE.~~

2 ~~(a) A retail use whose primary function is to prepare and provide ready-to-eat specialty foods~~  
3 ~~to a high volume of customers who carry out the food for off-premises consumption. Such use exhibits~~  
4 ~~each of the following characteristics: (1) Contains a service counter designed specifically for the sale~~  
5 ~~and distribution of food that has been prepared on-site; (2) Food is paid for prior to consumption; (3)~~  
6 ~~Typically open for retail sales on weekdays during daytime hours; and (4) May contain no more than~~  
7 ~~10 seats including sidewalk seating. It often includes wholesaling, manufacturing, or processing of~~  
8 ~~foods, goods, or commodities on the premises as an accessory use as set forth in Section~~  
9 ~~703.2(b)(1)(C)(v).~~

10 ~~(b) It includes, but is not limited to, specialty foods provided by bakeries, delicatessens, and~~  
11 ~~confectioneries meeting each of the above characteristics, but it is distinct from small a self-service~~  
12 ~~restaurant use as defined in Section 790.91, a large fast food restaurant use as defined in Section~~  
13 ~~790.90 or a retail coffee store as defined in 790.102(n). It does not include general or specialty grocery~~  
14 ~~stores with accessory take-out food activity as described in Section 703.2(b)(1)(C) or retail uses which~~  
15 ~~sell prepackaged or bulk ready-to-eat foods with no on-site food preparation area.~~

16 ~~(c) It shall not provide on-site beer and/or wine sales for consumption on the premises, but may~~  
17 ~~provide beer and/or wine sales for consumption off the premises with a California Alcoholic Beverage~~  
18 ~~Control Board License type 20 (off-sale beer and wine) within the accessory use limits as set forth in~~  
19 ~~Section 703.2(b)(1)(C)(vi).~~

20 ~~(d) It shall not be required to operate within an enclosed building pursuant to Section~~  
21 ~~703.2(b)(1) so long as it is also a Mobile Food Facility as defined in Section 102.31. Any associated~~  
22 ~~outdoor seating and/or dining area is subject to regulation as an Outdoor Activity Area as set forth~~  
23 ~~elsewhere in this Code.~~

24 ~~SEC. 790.135. VIDEO STORE.~~

1 ~~A retail use which, as its primary use, sells or rents to the general public any type of analog or~~  
2 ~~digital reproduction of motion pictures, films, or television programming including, but not limited to,~~  
3 ~~video tape, laser disc or digital video disc (DVD). Any such use which only distributes programming on~~  
4 ~~line or which is an accessory use, as defined in Section 703.2(b)(1)(C), shall not be defined as a Video~~  
5 ~~Store.~~

6 **~~SEC. 890.22. BAR.~~**

7 ~~A retail use which provides on-site alcoholic beverage sales for drinking on the premises,~~  
8 ~~including bars serving beer, wine and/or liquor to the customer where no person under 21 years of age~~  
9 ~~is admitted (with Alcoholic Beverage Control [ABC] licenses 42, 48, or 61) and drinking~~  
10 ~~establishments serving liquor (with ABC licenses 47 or 49) in conjunction with other uses which admit~~  
11 ~~minors, such as restaurants, movie theaters, and other entertainment.~~

12 **~~SEC. 890.34. EATING AND DRINKING USE.~~**

13 ~~A retail use which provides food and/or beverages for either on-site or off-site food~~  
14 ~~consumption including bars, full-service restaurants, fast food restaurants, and take-out food.~~

15 **~~SEC. 890.90. RESTAURANT, FAST-FOOD (SMALL).~~**

16 ~~(a) A retail eating or eating and drinking use which provides quick food service for~~  
17 ~~consumption on and off the premises and which exhibits the following characteristics:~~

- 18 ~~(1) Contains fewer than 50 seats and less than 1,500 square feet of gross floor area;~~  
19 ~~(2) A limited menu of ready-to-eat food prepared in advance of customer orders, or food which~~  
20 ~~is able to be quickly prepared for consumption on or off the premises;~~  
21 ~~(3) Food served in disposable wrappers or containers;~~  
22 ~~(4) Food is ordered and served at customer service counter;~~  
23 ~~(5) Food is paid for prior to consumption;~~  
24 ~~(6) Food available upon a short waiting time.~~

1 ~~It includes but is not limited to delicatessens, ice cream and cookie stores, sandwich shops, and~~  
2 ~~bakeries. It does not apply to retail general or specialty grocery or confectionery stores. When a fast-~~  
3 ~~food restaurant operates within and in conjunction with another retail use, such as a retail grocery~~  
4 ~~store, the area of the fast food restaurant shall be measured to include the area devoted to food~~  
5 ~~preparation and service, seating and separate public food service counters excluding fish, poultry and~~  
6 ~~meat counters.~~

7 ~~(b) It may provide on site beer and/or wine sales for drinking on the premises (with ABC~~  
8 ~~licenses 40 or 60). If it serves liquor for drinking on the premises (with ABC licenses 47 or 48), or does~~  
9 ~~not admit minors (with ABC licenses 42 or 61), then it shall also be considered a bar, as defined in~~  
10 ~~Section 890.22 of this Code.~~

11 ~~(c) It shall not be required to operate within an enclosed building pursuant to Section~~  
12 ~~803.2(b)(1) so long as it is also a Mobile Food Facility as defined in Section 102.31. Any associated~~  
13 ~~outdoor seating and/or dining area is subject to regulation as an Outdoor Activity Area as set forth~~  
14 ~~elsewhere in this Code.~~

15 ~~(d) It shall be conducted in accordance with the following conditions:~~

16 ~~(1) All debris boxes shall be kept in enclosed structures.~~

17 ~~(2) The operator shall be responsible for cleaning the sidewalk within a one-block radius daily~~  
18 ~~to maintain the sidewalk free of paper or other litter during its business hours, in accordance with~~  
19 ~~Article I, Section 34 of the San Francisco Police Code.~~

20 ~~(3) Noise and odors shall be contained within the premises so as not to be a nuisance to nearby~~  
21 ~~residents or neighbors.~~

22 ~~**SEC. 890.91. RESTAURANT, FAST-FOOD (LARGE).**~~

23 ~~(a) A retail eating or eating and drinking use which provides quick food service to a high~~  
24 ~~volume of customers at a high turnover rate, and which exhibits the following characteristics:~~

25 ~~(1) Contains 50 or more seats or gross floor area of 1,500 square feet or more;~~

1           ~~(2) A limited menu of ready-to-eat food prepared in advance of customer orders, or food which~~  
2 ~~is able to be quickly prepared for consumption on or off the premises;~~

3           ~~(3) Food served in disposable wrappers or containers;~~

4           ~~(4) Food is ordered and served at customer service counter;~~

5           ~~(5) Food is paid for prior to consumption;~~

6           ~~(6) Public food service area, including queuing areas and service counters without fixed seats,~~  
7 ~~which counters are designed specifically for the sale and distribution of food and beverages;~~

8           ~~(7) Food available upon a short waiting time.~~

9           ~~It includes but is not limited to delicatessens, ice cream and cookie stores, sandwich shops, and~~  
10 ~~bakeries. It does not apply to retail general or specialty grocery or confectionery stores. When a fast-~~  
11 ~~food restaurant operates within and in conjunction with another retail use, such as a retail grocery~~  
12 ~~store, the area of the fast food restaurant shall be measured to include the area devoted to food~~  
13 ~~preparation and service, seating and separate public food service counters excluding fish, poultry and~~  
14 ~~meat counters.~~

15           ~~(b) It may provide on-site beer and/or wine sales for drinking on the premises (with ABC~~  
16 ~~licenses 40 or 60). If it serves liquor for drinking on the premises (with ABC licenses 47 or 48), or does~~  
17 ~~not admit minors (with ABC licenses 42 or 61), then it shall also be considered a bar, as defined in~~  
18 ~~Section 890.22 of this Code.~~

19           ~~(c) It shall be conducted in accordance with the following conditions:~~

20           ~~(1) All debris boxes shall be kept in enclosed structures.~~

21           ~~(2) The operator shall be responsible for cleaning the sidewalk within a one-block radius daily~~  
22 ~~to maintain the sidewalk free of paper or other litter during its business hours, in accordance with~~  
23 ~~Article 1, Section 34 of the San Francisco Police Code.~~

24           ~~(3) Noise and odors shall be contained within the premises so as not to be a nuisance to nearby~~  
25 ~~residents or neighbors.~~

1 ~~SEC. 890.92. RESTAURANT, FULL-SERVICE.~~

2 ~~A retail eating or eating and drinking use which serves food to customers primarily for~~  
3 ~~consumption on the premises, and is not specifically designed to attract and accommodate high~~  
4 ~~customer volumes or turnover.~~

5 ~~It has seating and serves prepared, ready to eat cooked foods for consumption on the premises.~~  
6 ~~Guests typically order and receive food and beverage while seated on the premises and pay for service~~  
7 ~~after the meal is served.~~

8 ~~It includes, but is not limited to lunch counters, coffee shops, soda fountains and full service~~  
9 ~~dining establishments. It is distinct and separate from a small or large fast food restaurant, as defined~~  
10 ~~in Sections 890.90 and 890.91 of this Code.~~

11 ~~It may provide on site beer and/or wine sales for drinking on the premises (with ABC licenses~~  
12 ~~40 or 60). If it serves liquor for drinking on the premises (with ABC licenses 47 or 48), or does not~~  
13 ~~admit minors (with ABC licenses 42 or 61), then it shall also be considered a bar, as defined in Section~~  
14 ~~890.22 of this Code.~~

15 ~~SEC. 890.122. TAKE-OUT FOOD.~~

16 ~~A retail eating or eating and drinking use without seating which provides ready to eat food to a~~  
17 ~~high volume of customers, who carry out the food for off premises consumption. The take out food is~~  
18 ~~sold in disposable wrappers or containers ready to eat food which is prepared on the premises and~~  
19 ~~generally intended for immediate consumption off the premises.~~

20 ~~Take out food includes, but is not limited to, delicatessens, ice cream and cookie stores, and~~  
21 ~~retail bakeries. It does not include retail grocery stores with accessory take out food activity, as~~  
22 ~~described in Section 803.2(b)(1)(C) of this Code, or retail uses which sell prepackaged or bulk ready-~~  
23 ~~to eat foods with no on site food preparation area, such as confectionery or produce stores.~~

24 ~~It may include off site beer, wine, and/or liquor sales for consumption off the premises (with~~  
25 ~~ABC licenses 20 or 21).~~



Section 3. The San Francisco Planning Code is hereby amended by amending Sections 145.4, 249.40A, 249.60(c)(3), 303(i)(2) and (p), 312(c), 702.3, 703.2, 703.3(c), 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 733A, 734, 735, 736, 737, 780.3, 781.1, 781.2, 781.5, 781.9, 787, 790.22, 790.34, 790.90, 790.91, 790.102, 803.2, 803.6, 810.1, 811.1, 812.1, 814, 815, 816, 817, 818, and 840, to read as follows:

**SEC. 145.4. REQUIRED GROUND FLOOR COMMERCIAL USES.**

**Table 145.4**

Reference for Neighborhood Commercial Districts	Reference for Mixed Use Districts	Use	
790.4	890.4	Amusement Game Arcade	
790.6	890.6	Animal Hospital	
790.12	890.13	Automobile Sale or Rental (see qualification, above)	
790.22	<del>890.22</del> 790.22	Bar	
N/A	890.23	Business Goods and Equipment Sales and Repair Service	
790.34	<del>890.34</del> 790.34	Eating and Drinking Use	

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

790.38	890.37	Entertainment, Other	
N/A	890.39	Gift Store-Tourist Oriented	
790.50, 790.51	890.50	Institutions, Other (see qualification, above)	
N/A	890.51	Jewelry Store	
790.68	890.68	Neighborhood- Serving Business	
N/A	890.69	Non-Auto Vehicle Sales or Rental (see qualification, above)	
790.70	890.71	Outdoor Activity Area	
790.80	890.80	Public Use (see qualification, above)	
<del>790.91</del> <u>790.90</u>	<del>890.90</del> <u>790.90</u>	<del>Limited-Restaurant,</del> <del>Fast Food (Small)</del>	
<del>790.90</del> <u>790.91</u>	<del>890.91</del> <u>790.91</u>	Restaurant, <del>Fast Food</del> (Large)	
<del>790.92</del>	<del>890.92</del>	<del>Restaurant, Full-</del> <del>Service</del>	
<del>790.93</del>	N/A	<del>Specialty Food, Self-</del> <del>Service</del>	
790.102	890.102	Sales and Service, Other Retail	

1	790.104	890.104	Sales and Services,	
2			Retail	
3	790.110	890.110	Service, Financial	
4	790.112	890.112	Service, Limited	
5			Financial	
6	790.114	890.114	Service, Medical	
7	790.116	890.116	Service, Personal	
8	790.122	<del>890.122</del> <u>790.122</u>	Take-Out Food	
9	790.124	890.124	Trade Shop	
10	790.140	890.140	Walk-Up Facility	

11

12 **SEC. 249.40A. SOMA YOUTH AND FAMILY SPECIAL USE DISTRICT.**

13 (a) **Purpose.** The South of Market (SoMa) Youth and Family Special Use District is  
 14 intended to expand the provision of affordable housing in the area defined below. In addition,  
 15 this zoning is intended to protect and enhance the health and environment of youth and  
 16 families by adopting policies that focus on certain lower density areas of this District for the  
 17 expansion of affordable housing opportunities. The findings of Planning Code Section 319.1  
 18 concerning the provision of affordable housing are incorporated herein by reference.

19 (b) **Geography.** The general boundaries of the SoMa Youth and Family Special Use  
 20 District are Natoma Street on the north, Harrison Street on the south, 4th Street on the east,  
 21 and 7th Street on the west. The Special Use District is more particularly identified in the  
 22 Zoning Map.

23 (c) **Controls.**

24 (1) For the entire Special Use District, all provisions of the Planning Code shall  
 25 continue to apply, except for the following:

1 (A) The following uses shall require a Conditional Use authorization, pursuant to  
2 Section 303, unless the underlying zoning is more restrictive:

- 3 (i) Religious facilities, as defined in Sec. 890.50(d);
- 4 (ii) Bars, as defined in Sec. ~~890.22~~ 790.22;
- 5 (iii) Liquor stores, as defined in Sec. 790.55;
- 6 (iv) Amusement arcades, as defined in Sec. 890.4;
- 7 (v) ~~Full service~~ Restaurants, as defined in Sec. ~~890.92~~ 790.91;
- 8 ~~(vi) Large fast food restaurants, as defined in Sec. 890.91;~~
- 9 (vii) Adult entertainment, as defined in Sec. 890.36;
- 10 (viii) Other entertainment, as defined in Sec. 890.37;
- 11 ~~(ix)~~ ix Movie theatres, as defined in Sec. 890.64;
- 12 ~~(x)~~ ix Parking lots, as defined in Sections 890.7, 890.9, and 890.11; and
- 13 ~~(xi)~~ x Parking garages, as defined in Sections 890.8, 890.10, and 890.12.

14 (B) The Land Dedication alternative is available for any project of 55 feet or more  
15 under the same terms and conditions as provided for in Section 319.4(b)(2)(A) - (J).

16 (2) In addition to the controls above, the following provisions shall apply to all  
17 properties that are not tangent to the following streets: Howard Street, Harrison Street.  
18 Folsom Street, 4th, 5th, 6th and 7th Streets:

19 (A) Any project containing 5 or more dwelling units or in excess of 40 feet in  
20 height within this Special Use District shall be subject to the Tier C affordable housing  
21 requirements of Sections 319 et seq.

22 **SEC. 249.60. MISSION ALCOHOLIC BEVERAGE SPECIAL USE DISTRICT.**

23 There is an unusually large number of establishments dispensing alcoholic beverages,  
24 including beer and wine, for both on-site and off-site consumption in this area. The existence  
25 of this many alcoholic beverage establishments appears to contribute directly to numerous

1 peace, health, safety and general welfare problems in the area, including loitering, littering,  
2 drug trafficking, prostitution, public drunkenness, defacement and damaging of structures,  
3 pedestrian obstructions, as well as traffic circulation, parking and noise problems on public  
4 streets and neighborhood lots. The existence of such problems creates serious impacts on  
5 the health, safety and welfare of residents of nearby single- and multiple-family areas,  
6 including fear for the safety of children, elderly residents and of visitors to the area. The  
7 problems also contribute to the deterioration of the neighborhood and concomitant  
8 devaluation of property and destruction of community values and quality of life. The number of  
9 establishments selling alcoholic beverages and the associated problems discourage more  
10 desirable and needed commercial uses in the area. In order to preserve the residential  
11 character and the neighborhood-serving commercial uses of the area, there shall be a Mission  
12 Alcoholic Beverage Special Use Subdistrict to prohibit new establishments, or expansion of  
13 existing establishments, selling alcoholic beverages for the property in the area generally  
14 bounded by Guerrero Street, San Jose Avenue, Randall Street, Mission Street, Cesar Chavez  
15 Street, Potrero Avenue and Fourteenth Street as designated on Sectional Map Numbers 7SU  
16 and 8SU.

17 The following restrictions shall apply within such district:

18 (a) **Prohibition of New Establishments Selling Alcoholic Beverages.** No new  
19 establishment where alcoholic beverages are sold, served or given away for on-site or off-site  
20 consumption, shall be established in this special use district as set forth below:

21 (1) No new bar, as defined in Planning Code Section 790.22, shall be permitted in this  
22 special use district;

23 (2) No new off-sale liquor establishment shall be permitted in the special use district.

24 An "off-sale liquor establishment" shall mean any establishment that is defined in Section  
25 790.55 of this Code.

1           **(b) Prohibition of Expansion of Existing Establishments Selling Alcoholic**  
2 **Beverages.** Any establishment selling alcoholic beverages lawfully existing prior to the  
3 effective date of this resolution and licensed by the State of California for the retail sale of  
4 alcoholic beverages for on-site and off-site consumption, so long as otherwise lawful, may  
5 continue in existence, provided such establishment remains in use, as follows:

6           (1) In the event that any such establishment ceases to operate or discontinues  
7 operation for 30 days or longer as set forth in State law, such use shall be deemed  
8 abandoned;

9           (2) No establishment selling alcoholic beverages may substantially change the mode  
10 or character of operation of the establishment, nor may it expand the square footage devoted  
11 exclusively to the sale of alcoholic beverages, significantly increase the percentage of  
12 alcoholic beverage sales as a portion of total sales, or change its type of retail liquor license  
13 within a license classification.

14           **(c) Exceptions.**

15           (1) **Bona Fide Restaurant.** A bona fide restaurant shall be permitted to serve  
16 alcoholic beverages in this special use district. A "bona fide restaurant" shall mean a place  
17 which is regularly used and kept open for the service of meals to guests for compensation and  
18 which has (1) suitable kitchen facilities for the cooking of an assortment of foods which may  
19 be required for meals, (2) a primary use of sit-down service to patrons, (3) adequate seating  
20 arrangements for sit-down patrons provided on the premises, (4) take-out service that is only  
21 incidental to the primary sit-down use, (5) alcoholic beverages which are sold or dispensed for  
22 consumption on the premises only when served at tables or sit-down counters by employees  
23 of the restaurant, and (6) a minimum of 51 percent of the restaurant's gross receipts shall be  
24 from the sale of meals. A "bona fide restaurant" does not include any billiard or pool hall,  
25 bowling alley, or adult entertainment business as defined in Planning Code Section 790.36.

1           **(2) Non-Profit Theaters.** A non-profit theater shall be permitted to serve alcoholic  
2 beverages in this special use district. A "non-profit theater" shall mean a building or part of a  
3 building intended to be used for the specific purposes of presenting any act, play, revue,  
4 pantomime, scene, song, dance act, or song and dance act, conducted or participated in by  
5 one or more persons, whether or not such person or persons are compensated for such  
6 performance, and which is exempted from payment of income tax under Section 23701d of  
7 the California Revenue and Taxation Code and Section 501(c)(3) of the Internal Revenue  
8 Code of the United States. A "non-profit theater" does not include any dance hall as defined in  
9 Section 1060 of the San Francisco Police Code, billiard parlor, pool hall, bowling alley, or  
10 adult entertainment business as defined in Planning Code Section 790.36.

11           **(3) Bowling Alleys.** A bowling alley shall be permitted to serve alcoholic beverages  
12 along with any *Restaurant use full-service restaurant, large fast food restaurant, or small self-service*  
13 *restaurant* which is functionally and/or physically integrated with such bowling alley.

14           **(4) Single Screen Movie Theatres.** A single screen movie theatre shall be permitted  
15 to serve alcoholic beverages, provided that (1) such use is defined as a movie theater in  
16 Planning Code Section 790.64 and contains only a single screen and auditorium, (2) only beer  
17 and wine are offered for consumption, and (3) such beer and wine are: (i) only consumed on  
18 the premises and primarily in the main theater auditorium, (ii) only sold to and consumed by  
19 ticketholders and only immediately before and during performances, and (iii) only offered in  
20 conjunction with the screening of films and not as an independent element of the  
21 establishment that is unrelated to the viewing of films.

22           **(d) Fringe Financial Services.** In addition to all other applicable controls set forth in  
23 this Code, properties in the Mission Alcoholic Beverage Special Use Subdistrict are within the  
24 Fringe Financial Service Restricted Use District established by Section 249.35 and are subject  
25 to the controls and exemptions set forth in Section 249.35.

1 **SEC. 303. CONDITIONAL USES.**

2 (i) (2) "Retail sales activity or retail sales establishment." A retail sales activity or  
3 retail sales establishment shall include the following uses, as defined in Article 7 and Article 8  
4 of this Code: "~~bar,~~" "~~dDrive-up fFacility,~~" "~~eEating and dDrinking #Use,~~" "~~lLiquor sStore,~~"  
5 "~~restaurant, large fast food,~~" "~~restaurant, small self service,~~" "~~restaurant, full service,~~" "~~sSales and~~  
6 "~~sService, eOther #Retail,~~" "~~sSales and sService, #Retail,~~" "~~mMovie #Theatre,~~" "~~video store,~~" and  
7 "~~aAmusement and gGame aArcade,~~" "~~take-out food,~~" and "~~specialty food, self service.~~"

8 (p) Eating and Drinking Uses

9 (1) Conditional Use Criteria. With regard to a conditional use authorization application for  
10 a Restaurant, Limited-Restaurant and Bar uses in Neighborhood Commercial Districts or Mixed Use  
11 Districts, the Planning Commission shall consider, in addition to the criteria set forth in Subsection (c)  
12 above:

13 (A) The existing concentration of eating and drinking uses in the area. Such  
14 concentration should not exceed 25% of the total commercial frontage, as measured in linear feet,  
15 within the immediate area of the subject site. For the purposes of this Section of the Code, the  
16 immediate area shall be defined as all properties located within 300' of the subject property and also  
17 located within the same zoning district.

18 **SEC. 312. PERMIT REVIEW PROCEDURES FOR ALL NC AND EASTERN**  
19 **NEIGHBORHOODS MIXED USE DISTRICTS.**

20 (c) **Changes of Use.** In NC Districts, all building permit applications for a change of  
21 use to a bar, as defined in Section 790.22, a liquor store, as defined in Section 790.55, a  
22 walkup facility, as defined in Section 790.140, other large institutions, as defined in Section  
23 790.50, other small institutions, as defined in Section 790.51, a ~~full-service limited-~~restaurant,  
24 as defined in Section ~~790.90~~ 790.92, a ~~large fast food~~ restaurant, as defined in Section ~~790.91~~  
25 ~~790.90, a small self service restaurant, as defined in Section 790.91, a self service specialty food use,~~



1 ~~as defined in Section 790.93~~, a massage establishment, as defined in Section 790.60, an  
2 outdoor activity, as defined in Section 790.70, an adult or other entertainment use, as defined  
3 in Sections 790.36 and 790.38, or a fringe financial service use, as defined in Section  
4 790.111, shall be subject to the provisions of Subsection 312(d); provided, however, that a  
5 change of use from a Restaurant to a Limited-Restaurant shall not be subject to the provisions of  
6 Subsection 312(d). In all Eastern Neighborhoods Mixed Use Districts all building permit  
7 applications for a change of use from any one land use category to another land use category  
8 shall be subject to the provisions of Subsection 312(d). In addition, any accessory massage  
9 use in the Ocean Avenue Neighborhood Commercial Transit District shall be subject to the  
10 provisions of Subsection 312(d).

11 For the purposes of this Subsection, "land use category" shall mean those categories  
12 used to organize the individual land uses which appear in the use tables in Article 8,  
13 immediately preceding a group of individual land uses, and include the following: residential  
14 use, institutional use, retail sales and service use, assembly, recreation and entertainment  
15 use, office use, motor vehicle services use, industrial home and business service use, or other  
16 use.

### 17 **SEC. 702.3. NEIGHBORHOOD COMMERCIAL RESTRICTED USE SUBDISTRICTS.**

18 In addition to the Neighborhood Commercial Use Districts established by Section 702.1  
19 of this Code, certain Neighborhood Commercial Special Use Districts are established for the  
20 purpose of controlling the expansion of certain kinds of uses which if uncontrolled may  
21 adversely affect the character of certain Neighborhood Commercial Districts.

22 The purposes and provisions set forth in Section 781.1 through 781.6 of this Code shall  
23 apply respectively within these districts. The boundaries of the districts are as shown on the  
24 Zoning Map as referred to in Section 105 of this Code, subject to the provisions of that  
25 Section.

**Neighborhood Commercial Restricted Use Subdistricts Section Number**

Taraval Street Restaurant <del>and Fast-Food</del> Subdistrict	§ 781.1
Irving Street Restaurant <del>and Fast-Food</del> Subdistrict	§ 781.2
Geary Boulevard <del>Fast-Food</del> <u>Formula Retail Pet Supply Store</u> <u>and Formula Retail Eating and Drinking</u> Subdistrict	§ 781.4
Mission Street <u>Formula Retail Fast-Food Restaurant</u> Subdistrict	§ 781.5
North Beach Financial Service, Limited Financial Service, and Business or Professional Service Subdistrict	§ 781.6
Chestnut Street Financial	§ 781.7
Haight Street Alcohol Restricted Use District	§ 781.9
Divisadero Street Alcohol Restricted Use District	§ 783
Lower Haight Street Alcohol Restricted Use District	§ 784
Excelsior Alcohol Special Use District	§ 785
Lower Haight Tobacco Paraphernalia Restricted Use District	§ 786

**SEC. 703.2. USES PERMITTED IN NEIGHBORHOOD COMMERCIAL DISTRICTS.**

A use is the specific purpose for which a property or building is used, occupied, maintained, or leased. Whether or not a use is permitted in a specific district is set forth or summarized and cross-referenced in Sections 710.1 through 730.95 of this Code for each district class.

(a) **Use Categories.** The uses, functions, or activities, which are permitted in each Neighborhood Commercial District class include those listed below by zoning control category and number and cross-referenced to the Code Section containing the definition.

No.	Zoning Control Categories	Section Number of
-----	---------------------------	-------------------

		<b>for Uses</b>	<b>Use Definition</b>
1			
2	.24	Outdoor Activity Area	§ 790.70
3			
4	.25	Drive-Up Facility	§ 790.30
5	.26	Walk-Up Facility	§ 790.140
6	.27	Hours of Operation	§ 790.48
7	.38	Residential Conversion	§ 790.84
8	.39	Residential Demolition	§ 790.86
9			
10	.40	Other Retail Sales and	§ 790.102
11		Services	
12	.41	Bar	§ 790.22
13	.42	<del>Full Service Restaurant</del>	<del>§ 790.92</del>
14			
15	.43	<del>Large Fast Food Limited-</del>	§ 790.90
16		Restaurant	
17	.44	<del>Small Self Service</del> Restaurant	§ 790.91
18	.45	Liquor Store	§ 790.55
19	.46	Movie Theater	§ 790.64
20			
21	.47	Adult Entertainment	§ 790.36
22	.48	Other Entertainment	§ 790.38
23	.49	Financial Service	§ 790.110
24	.50	Limited Financial Service	§ 790.112
25			

1	.51	Medical Service	§ 790.114
2	.52	Personal Service	§ 790.116
3	.53	Business or Professional	§ 790.108
4		Service	
5			
6	.54	Massage Establishment	§ 790.60
7	.55	Tourist Hotel	§ 790.46
8	.56	Automobile Parking	§ 790.8
9	.57	Automotive Gas Station	§ 790.14
10			
11	.58	Automotive Service Station	§ 790.17
12	.59	Automotive Repair	§ 790.15
13	.60	Automotive Wash	§ 790.18
14	.61	Automobile Sale or Rental	§ 790.12
15			
16	.62	Animal Hospital	§ 790.6
17	.63	Ambulance Service	§ 790.2
18	.64	Mortuary	§ 790.62
19	.65	Trade Shop	§ 790.124
20	.66	Storage	§ 790.117
21	.67	<i>Video Store</i>	<del>§ 790.135</del>
22			
23	.68	Fringe Financial Service	§ 790.111
24	.69	Tobacco Paraphernalia	§ 790.123
25			

1		Establishment	
2	.69A	<i>Self-Service Specialty Food</i>	§ 790.93
3			
4	.69B	Amusement Game Arcade	§ <del>790.04-1</del> 790.4
5		(Mechanical Amusement	
6		Devices)	
7	.69C	Neighborhood Agriculture	§ 102.35(a)
8	.69D	Large-Scale Urban Agriculture	§ 102.35(b)
9	.70	Administrative Service	§ 790.106
10			
11	.80	Hospital or Medical Center	§ 790.44
12	.81	Other Institutions, Large	§ 790.50
13	.82	Other Institutions, Small	§ 790.51
14	.83	Public Use	§ 790.80
15			
16	.84	Medical Cannabis Dispensary	§ 790.141
17	.85	Service, Philanthropic	§ 790.107
18		Administrative	
19	.90	Residential Use	§ 790.88
20			
21	.95	Community Residential Parking	§ 790.10

22 (b) **Use Limitations.** The uses permitted in Neighborhood Commercial Districts are  
 23 either principal, conditional, accessory, or temporary uses as stated in this Section, and  
 24 include those uses set forth or summarized and cross-referenced in the zoning control  
 25

1 categories as listed in Paragraph (a) in Sections 710.1 through ~~729.95~~ 737.1 of this Code for  
2 each district class.

3 (1) **Permitted Uses.** All permitted uses shall be conducted within an enclosed  
4 building in Neighborhood Commercial Districts, unless otherwise specifically allowed in this  
5 Code. Exceptions from this requirement are: uses which, when located outside of a building,  
6 qualify as an outdoor activity area, as defined in Section 790.70 of this Code; accessory off-  
7 street parking and loading and other uses listed below which function primarily as open-air  
8 uses, or which may be appropriate if located on an open lot, outside a building, or within a  
9 partially enclosed building, subject to other limitations of this Article 7 and other sections of  
10 this Code.

No.	Zoning Control Category
.56	Automobile Parking
.57	Automotive Gas Station
.58	Automotive Service Station
.60	Automotive Wash
.61	Automobile Sale or Rental
.81	Other Institutions, Large (selected)
.83	Public Use (selected)
.95	Community Residential Parking

23 If there are two or more uses in a structure and none is classified below under Section  
24 703.2(b)(1)(C) of this Code as accessory, then each of these uses will be considered  
25 separately as independent principal, conditional or temporary uses.

1           (A) **Principal Uses.** Principal uses are permitted as of right in a Neighborhood  
2 Commercial District, when so indicated in Sections 710.1 through ~~729.95~~ 737.1 of this Code for  
3 each district class.

4           (B) **Conditional Uses.** Conditional uses are permitted in a Neighborhood Commercial  
5 District when authorized by the Planning Commission; whether a use is conditional in a given  
6 district is indicated in Sections 710.10 through ~~729.95~~ 737.1. Conditional uses are subject to  
7 the provisions set forth in Sections 178, 179, 303, and 316 through ~~316.8~~ 316.6 of this Code.

8           (i) An establishment which sells beer or wine with motor vehicle fuel is a conditional  
9 use, and shall be governed by Section 229.

10           (ii) Notwithstanding any other provision of this Article, a change in use or demolition of  
11 a movie theater use, as set forth in Section 790.64, shall require conditional use authorization.  
12 This Subsection shall not authorize a change in use if the new use or uses are otherwise  
13 prohibited.

14           (iii) Notwithstanding any other provision of this Article, a change in use or demolition of  
15 a general grocery store use, as defined in Section 790.102(a), which use exceeds 5,000 gross  
16 square feet shall require conditional use authorization. This Subsection shall not authorize a  
17 change in use if the new use or uses are otherwise prohibited.

18           (iv) Large-Scale Urban Agriculture, as defined in Section 102.35(b), shall require  
19 conditional use authorization.

20           (C) **Accessory Uses.** Except as prohibited in Section 728 and subject to the  
21 limitations set forth below and in Sections 204.1 (Accessory Uses for Dwelling Units in R and  
22 NC Districts), 204.4 (Dwelling Units Accessory to Other Uses), and 204.5 (Parking and  
23 Loading as Accessory Uses) of this Code, a related minor use which is either necessary to the  
24 operation or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental  
25 and subordinate to any such use, shall be permitted as an accessory use when located on the

1 same lot. Any use which does not qualify as an accessory use shall be classified as a  
2 principal or conditional use, unless it qualifies as a temporary use under Sections 205 through  
3 ~~205.2~~ 205.4 of this Code.

4 No use will be considered accessory to a permitted principal or conditional use which  
5 involves or requires any of the following:

6 (i) The use of more than 1/3 of the total floor area occupied by such use and the  
7 principal or conditional use to which it is accessory, except in the case of accessory off-street  
8 parking and loading;

9 (ii) Any bar, restaurant, other entertainment, or any retail establishment which serves  
10 liquor for consumption on-site;

11 (iii) Any take-out food use, as defined in Section 790.122, except for a take-out food  
12 use which occupies 1/3 of the total floor area or up to 500 s/f whichever is more restrictive in a  
13 general grocery or specialty grocery store, ~~2~~ This take-out food use includes the area devoted  
14 to food preparation and service and excludes storage and waiting areas;

15 (iv) Any take-out food use, as defined in Section 790.122, except for a take-out food  
16 use operating as a minor and incidental use within a *full-service* restaurant *or limited-restaurant*  
17 *use*;

18 (v) The wholesaling, manufacturing or processing of foods, goods, or commodities on  
19 the premises of an establishment which does not also use or provide for primarily retail sale of  
20 such foods, goods or commodities at the same location where such wholesaling,  
21 manufacturing or processing takes place.

22 (vi) Any retail liquor sales, as defined in Section 790.55, except for beer, wine, and/or  
23 liquor sales for the consumption off the premises with a State of California Alcoholic Beverage  
24 Control ("ABC") Board License type (off-sale beer and wine) or type 21 (off-sale general)  
25 which occupy less than 15% of the gross square footage of the establishment (including all



1 areas devoted to the display and sale of alcoholic beverages) in a general grocery store, or  
2 specialty grocery store, ~~or self-service specialty food use.~~

3 (vii) Medical Cannabis Dispensaries as defined in 790.141.

4 The foregoing rules shall not prohibit take-out food activity which operates in  
5 conjunction with a fast-food restaurant or a self-service restaurant. A fast-food restaurant or a  
6 self-service restaurant, by definition, includes take-out food as an accessory and necessary  
7 part of its operation.

8 (D) **Temporary Uses.** Temporary uses are permitted uses, subject to the provisions  
9 set forth in Section 205 of this Code.

10 (2) **Not Permitted Uses.**

11 (A) Uses which are not specifically listed in this Article are not permitted unless they  
12 qualify as a nonconforming use pursuant to Sections 180 through 186.1 of this Code or are  
13 determined by the Zoning Administrator to be permitted uses in accordance with Section  
14 307(a) of this Code.

15 (B) No use, even though listed as a permitted use, shall be permitted in a  
16 Neighborhood Commercial District which, by reason of its nature or manner of operation,  
17 creates conditions that are hazardous, noxious, or offensive through the emission of odor,  
18 fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive  
19 noise.

20 (C) The establishment of a use that sells alcoholic beverages, other than beer and  
21 wine, concurrent with motor vehicle fuel is prohibited, and shall be governed by Section 229.  
22 Except in the SoMa NCT, where these uses are permitted accessory uses.

23 **SEC. 703.3. FORMULA RETAIL USES.**

24 (c) "**Retail sales activity or retail sales establishment**" shall include the following  
25 uses, as defined in Article 7 of this Code: "bar," "drive-up facility," "eating and drinking use,"

"liquor store," "limited-restaurant," ~~large fast food,"~~ ~~"restaurant, small self service,"~~ "restaurant," ~~full service,"~~ "sales and service, other retail," "sales and service, retail," "movie theatre," "video store," "amusement and game arcade," and "take-out food," ~~and~~ ~~"specialty food, self service."~~

**SEC. 710. NEIGHBORHOOD COMMERCIAL CLUSTER NC-1 DISTRICT**

**ZONING CONTROL TABLE**

No.	Zoning Category	§ References	NC-1		
			Controls by Story		
		§ 790.118	1st	2nd	3rd
710.42	<del>Full Service Restaurant</del>	§-790.92	P#		
710.43	<del>Large Fast Food Limited- Restaurant</del>	§ 790.90	<u>P#</u>		
710.44	<del>Small Self Service Restaurant</del>	§ 790.91	<u>C-P #</u>		
710.67	<del>Video Store</del>	§-790.135	C	-	-
710.69A	<del>Self Service Specialty Food</del>	§-790.93	C#		

**SPECIFIC PROVISIONS FOR NC-1 DISTRICTS**

Article 7 Code Section	Other Code Section	Zoning Controls
§ 710.40		<b>Boundaries:</b> All NC-1 Districts
§ 710.41		<b>Controls:</b> P if located more than ¼ mile from any NC District or

1 2	§ 710.42-43 <u>710.44</u>		Restricted Use Subdistrict with more restrictive controls; otherwise, same as more restrictive control
3 4 5 6	§ 710.44 § 710.69A	-	<i>Boundaries: All NC-1 Districts</i> <i>Controls: C if located more than ¼ mile from any NC District or</i> <i>Restricted Use Subdistrict with more restrictive controls; otherwise,</i> <i>same as more restrictive control</i>
7 8 9 10 11 12 13 14 15	§ 710.42 § 710.43 § 710.44 § 710.69A	§ 781.1	TARAVAL STREET RESTAURANT <del>AND FAST FOOD</del> SUBDISTRICT <b>Boundaries:</b> Applicable only for the two Taraval Street NC-1 Districts between 40th and 41st Avenues and 45th and 47th Avenues as mapped on Sectional Map 5 SU <b>Controls:</b> <del>Full-service</del> <u>Restaurant</u> <del>and small self-service</del> <u>Limited-</u> <del>restaurants and self-service specialty food</del> are C; <del>large fast food</del> <u>Formula Retail</u> <del>restaurants and Limited-restaurants</del> are NP.

**SEC. 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-2  
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	NC-2		
			Controls by Story		
		§ 790.118	1st	2nd	3rd
711.42	<i>Full-Service Restaurant</i>	§ 790.92	P#	-	-
711.43	<i>Large Fast Food Limited-</i>	§ 790.90	C-P#		

	Restaurant				
711.44	<i>Small Self-Service</i> Restaurant	§ 790.91	P #		
<del>711.67</del>	<del>Video Store</del>	<del>§ 790.135</del>	€	€	-
711.69A	<i>Self-Service Specialty Food</i>	§ 790.93	P#		

**SPECIFIC PROVISIONS FOR NC-2 DISTRICTS**

Article 7 Code Section	Other Code Section	Zoning Controls
§ 711.42 § 711.43 § 711.44 § 711.69A	§ 781.1	TARAVAL STREET RESTAURANT <del>AND FAST FOOD</del> SUBDISTRICT <b>Boundaries:</b> Applicable only for the Taraval Street NC-2 District between 12th and 36th Avenues as mapped on Sectional Maps 5 SU and 6 SU <b>Controls:</b> <del>Full-service</del> <u>Restaurants</u> , <del>small self-service restaurants</del> and <del>self-service specialty food</del> and <u>Limited-restaurant</u> are C; <del>large fast food</del> <u>Formula Retail</u> restaurants and <u>Limited-restaurant</u> are NP
§ 711.42 § 711.43 § 711.44 § 711.69A	§ 781.2	IRVING STREET RESTAURANT <del>AND FAST FOOD</del> SUBDISTRICT <b>Boundaries:</b> Applicable only for the portion of the Irving Street NC-2 District between 19th and 27th Avenues as mapped on Sectional Map 5 SU <b>Controls:</b> <del>Small self-service</del> <u>Restaurants</u> and <del>specialty food</del> are C;

*full-service restaurants and large fast food restaurants are NP*

**SEC. 712. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-3**

**ZONING CONTROL TABLE**

No.	Zoning Category	§ References	NC-3		
			Controls by Story		
		§ 790.118	1st	2nd	3rd

712.42	<i>Full-Service Restaurant</i>	§ 790.92	P	P	-
712.43	<i>Large Fast Food Limited-Restaurant</i>	§ 790.90	€ P#	€ P#	
712.44	<i>Small Self-Service Restaurant</i>	§ 790.91	P #	P #	
712.67	<i>Video Store</i>	§ 790.135	P	€	€
712.69A	<i>Self-Service Specialty Food</i>	§ 790.93	P#	P#	

**SPECIFIC PROVISIONS FOR NC-3 DISTRICTS**

Article 7 Code Section	Other Code Section	Zoning Controls
§ 712.25 § 712.40	§ 249.14	THIRD STREET SPECIAL USE DISTRICT <b>Boundaries:</b> Applicable only to the portion of the Third Street SUD as shown on Sectional Map 10 SU zoned NC-3 <b>Controls:</b> Off-sale retail liquor sales as defined in Section 249.14(b)(1)(A) are NP; drive-up facilities for <i>restaurants and</i>

		<i>limited-restaurants large fast-food restaurants, small self-service restaurants and self-service specialty food</i> are C
§ 712.40 § 712.41 § 712.43 § 712.44 § 790.34	§ 781.4	GEARY BOULEVARD FORMULA RETAIL PET SUPPLY STORE AND FORMULA RETAIL EATING AND DRINKING SUBDISTRICT  <b>Boundaries:</b> Applicable only for the portion of the Geary Boulevard NC-3 District between 14th and 28th Avenues as mapped on Sectional Maps 3 SU and 4 SU  <b>Controls:</b> Formula Retail pet supply stores and formula retail eating and drinking uses are NP
§ 712.43 § 712.44 § 712.69A	§ 781.5	MISSION STREET <del>FAST FOOD</del> <u>FORMULA RETAIL RESTAURANT</u> SUBDISTRICT  <b>Boundaries:</b> Applicable only for the portion of the Mission Street NC-3 District between 15th Street and Randall Street as mapped on Sectional Map 7 SU  <b>Controls:</b> <i>Limited-restaurants</i> and <i>Small self-service</i> restaurants and <i>self-service specialty food that are also defined as formula retail</i> are C; <i>large fast-food restaurants</i> are NP

**713. NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT NC-S**

**ZONING CONTROL TABLE**

No.	Zoning Category	§	NC-S
-----	-----------------	---	------

		<b>References</b>	<b>Controls by Story</b>		
		§ 790.118	1st	2nd	3rd

713.42	<i>Full Service Restaurant</i>	§ 790.92	P	P	
713.43	<i>Large Fast Food Limited- Restaurant</i>	§ 790.90	€P	€P	
713.44	<i>Small Self Service Restaurant</i>	§ 790.91	P #	P #	
713.67	<i>Video Store</i>	§ 790.135	€	€	
713.69A	<i>Self Service Specialty Food</i>	§ 790.93	P#	P#	

**SPECIFIC PROVISIONS FOR NC-S DISTRICTS**

<b>Article 7 Code Section</b>	<b>Other Code Section</b>	<b>Zoning Controls</b>
§ 713.10	§ 253.3	LAKESHORE PLAZA SPECIAL USE DISTRICT
§ 713.27	§ 780.1	<b>Boundaries:</b> Applicable only for the Lakeshore Plaza NC-S District as mapped on Sectional Map 13SU and 13H
§ 713.30		
§ 713.41		<b>Controls:</b> Special controls on various features and uses, and residential standards
§ 713.44		
§ 713.46		
§ 713.48		
§ 713.49		
§ 713.51		

1	§ 713.52		
2	§ 713.53		
3	§ 713.64		
4	<del>§ 713.69A</del>		
5	§ 713.70		
6	§ 713.81		
7	§ 713.82		
8	§ 713.90		
9	§ 713.91		
10	§ 713.92		
11	§ 713.93		
12	§ 713.95		

**SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Broadway		
			Controls by Story		
		§ 790.118	1st	2nd	3rd

714.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P #	P #	
<del>714.42</del>	<del>Full-Service Restaurant</del>	<del>§ 790.92</del>	<del>P</del>	<del>P</del>	-
714.43	<del>Large Fast Food Limited-</del>	§ 790.90	<u>P</u>	<u>P</u>	



	Restaurant				
714.44	<i>Small Self Service Restaurant</i>	§ 790.91	€P	€P	
<del>714.67</del>	<del>Video Store</del>	<del>§ 790.135</del>	€	€	
714.69A	<i>Self Service Specialty Food</i>	§ 790.93	P	P	-

**SPECIFIC PROVISIONS FOR THE BROADWAY  
NEIGHBORHOOD COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
§ 714.40	§ 790.102(n)	<p><i>BROADWAY SPECIALTY RETAIL USES</i></p> <p><i>Boundaries: Broadway NCD</i></p> <p><i>Controls: Retail coffee stores defined pursuant to Code § 790.102(n) are not permitted without conditional use authorization except to the extent qualifying as specialty grocery permitted pursuant to § 790.102(b)</i></p>

**SEC. 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Castro Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd

1	715.42	<i>Full Service Restaurant</i>	§ 790.92			
2	715.43	<i>Large Fast Food Limited-Restaurant</i>	§ 790.90	<i>P</i>		
3	715.44	<i>Small Self Service Restaurant</i>	§ 790.91	<i>C</i>		
4	715.67	<i>Video Store</i>	§ 790.135	<i>C</i>	<i>C</i>	
5	715.69A	<i>Self Service Specialty Food</i>	§ 790.93	<i>P</i>		

8 **SEC. 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT**  
9 **ZONING CONTROL TABLE**

11 12 13 14	No.	Zoning Category	§ References	Inner Clement Street		
				Controls by Story		
			§ 790.118	1st	2nd	3rd

15	716.42	<i>Full Service Restaurant</i>	§ 790.92	<i>C#</i>		
16	716.43	<i>Large Fast Food Limited-Restaurant</i>	§ 790.90	<i>C#P</i>		
17	716.44	<i>Small Self Service Restaurant</i>	§ 790.91	<i>C#</i>		
18	716.67	<i>Video Store</i>	§ 790.135	<i>P</i>	<i>C</i>	
19	716.69A	<i>Self Service Specialty Food</i>	§ 790.93			

20 **SPECIFIC PROVISIONS FOR THE INNER CLEMENT STREET NEIGHBORHOOD**  
21 **COMMERCIAL DISTRICT**

<p>1 <b>Article 7</b></p> <p>2 <b>Code</b></p> <p>3 <b>Section</b></p>	<p>4 <b>Other</b></p> <p>5 <b>Code</b></p> <p>6 <b>Section</b></p>	<p>7 <b>Zoning Controls</b></p>
<p>8 § 716.41</p>	<p>9 § 790.22</p>	<p>10 INNER CLEMENT STREET LIQUOR LICENSES FOR <del>FULL-</del></p> <p>11 <del>SERVICE</del> RESTAURANTS</p> <p>12 <b>Boundaries:</b> Applicable to the Inner Clement Street</p> <p>13 Neighborhood Commercial District</p> <p>14 <b>Controls:</b></p> <p>15 (a) In order to allow certain restaurants to seek an ABC</p> <p>16 license type 47 so that liquor may be served for drinking on the</p> <p>17 premises, a bar use, as defined in § 790.22, may be permitted</p> <p>18 as a conditional use on the ground level if, in addition to the</p> <p>19 criteria set forth in Section 303, the Planning Commission finds</p> <p>20 that:</p> <p>21 (1) The bar function is operated as an integral element of</p> <p>22 an establishment which is classified both as: (A) a <i>full-service</i></p> <p>23 restaurant as defined in § <del>790.92-790.91</del> and (B) a bona-fide</p> <p>24 restaurant as defined in § 781.8(c); and</p> <p>25 (2) The establishment maintains only an ABC license type</p> <p>47. Other ABC license types, except those that are included</p> <p>within the definition of a <i>full-service</i> restaurant pursuant to §</p> <p><del>790.92 790.91</del>, are not permitted for those uses subject to this</p> <p>Section.</p> <p>(b) Subsequent to the granting of a conditional use</p>

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

		authorization under this Section, the Commission may consider immediate revocation of the previous conditional use authorization should an establishment no longer comply with any of the above criteria for any length of time.
§ 716.41	§ 790.22	<p><b>INNER CLEMENT STREET LIQUOR LICENSES FOR BARS</b></p> <p><b>Boundaries:</b> Applicable to the Inner Clement Street Neighborhood Commercial District</p> <p><b>Controls:</b></p> <p>(a) In order to allow wine and/or beer bars to seek an ABC license type 42 so that wine and beer (but not hard spirits) may be served for drinking on the premises, a bar use, as defined in § 790.22, may be permitted as a conditional use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission finds that:</p> <p>(1) The bar function is operated as a wine and beer bar with an ABC license type 42, which may include incidental food services; and</p> <p>(2) The establishment maintains only an ABC license type 42 and/or an ABC license type 20 permitting off-premises sales of wine and beer. Other ABC license types, except those that are included within the definition of a <i>full-service</i> restaurant pursuant to § 790.22, are not permitted for those uses subject to this Section.</p>

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

		(b) Subsequent to the granting of a conditional use authorization under this Section, the Commission may consider immediate revocation of the previous conditional use authorization should an establishment no longer comply with any of the above criteria for any length of time.
§ 716.41 and 716.42	§ 790.92 and 790.22	<p>INNER CLEMENT STREET <del>FULL SERVICE</del> RESTAURANTS AND BARS</p> <p><b>Boundaries:</b> Applicable to the Inner Clement Street Neighborhood Commercial District</p> <p><b>Controls:</b> A full-service restaurant or a bar may be permitted as a conditional use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission has approved no more than a total of three (3) <del>full-service</del> restaurants or bars in accordance with this Section. Should a <del>full-service</del> restaurant or bar permitted under this Section cease operation and complete a lawful change of use to another principally or conditionally permitted use, the Commission may consider a new <del>full-service</del> restaurant or bar in accordance with the terms of this Section.</p>

**SEC. 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT**  
**ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Outer Clement Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd

717.42	Full-Service Restaurant	§ 790.92	C #		
717.43	Large-Fast-Food Limited-Restaurant	§ 790.90	C #		
717.44	Small-Self-Service Restaurant	§ 790.91	C #		
717.67	Video Store	§ 790.135	P	C	
717.69A	Self-Service Specialty Food	§ 790.93	C #		

**SPECIFIC PROVISIONS FOR THE OUTER CLEMENT STREET NEIGHBORHOOD  
COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
§§ 717.41, <del>717.42,</del> 717.43, 717.44, <i>and</i> <del>717.69A</del>	§ 790.34	<p>OUTER CLEMENT STREET EATING AND DRINKING USES</p> <p><b>Boundaries:</b> Applicable to the Outer Clement Street Neighborhood Commercial District.</p> <p><b>Controls:</b> an eating or drinking use may be approved with conditional use authorization.</p>

**SEC. 718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT  
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Upper Fillmore Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd

718.42	<i>Full Service Restaurant</i>	<del>§ 790.92</del>	C#		
718.43	<i>Large Fast Food Limited- Restaurant</i>	§ 790.90	C# P		
718.44	<i>Small Self Service Restaurant</i>	§ 790.91	C#		
718.67	<i>Video Store</i>	<del>§ 790.135</del>	€	€	-
718.69A	<i>Self Service Specialty Food</i>	<del>§ 790.93</del>	C#		

**SPECIFIC PROVISIONS FOR THE UPPER FILLMORE NEIGHBORHOOD COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
§ 718.41	§ 790.22	<b>Boundaries:</b> Applicable for the Upper Fillmore NCD. Controls: A new bar will be allowed with a conditional use authorization from the Planning Commission only in conjunction with a <i>full-service</i> restaurant use.
§§ 718.42 718.43 and 718.44	§ 790.92 § 790.90 § 790.91	In considering a conditional use for a <i>full-service, large fast food, or small self service</i> restaurant, the Planning Commission shall consider whether the use proposes lunch service or other daytime usage in order to limit the number of such establishments on the block that have no daytime activity.

**SEC. 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Haight Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd

719.42	<i>Full Service Restaurant</i>	§ <del>790.92</del>	C#	#	#
719.43	<i>Large Fast Food Limited- Restaurant</i>	§ 790.90	#-P	#-P	#-P
719.44	<i>Small Self Service Restaurant</i>	§ 790.91	#	#	#
719.67	<i>Video Store</i>	§ <del>790.135</del>	€	€	-
719.69A	<i>Self Service Specialty Food</i>	§ 790.93	P#	P#	P#

**SPECIFIC PROVISIONS FOR THE HAIGHT STREET DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
§ 719.40 § 719.41 <del>§ 719.43</del> § 719.44 <del>§ 719.69A</del>	§ 781.9	<b>Boundaries:</b> The entire Haight Street Neighborhood Commercial District. <b>Controls:</b> Retail establishments selling off-sale or on-sale alcoholic beverages are not permitted pursuant to Section 781.9.
§ 719.42	§ 781.9 790.22 790.92	<b>HAIGHT STREET LIQUOR LICENSES FOR <del>FULL SERVICE</del> RESTAURANTS</b> <b>Boundaries:</b> Applicable to the Height Street Neighborhood Commercial District and Height Street Alcohol Restricted Use Subdistrict. <b>Controls:</b> (a) In order to allow certain restaurants to seek an ABC license type 47 so that liquor may be served for drinking on the premises, a bar use, as defined in § 790.22, may be



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

		<p>permitted as a conditional use on the ground level if, in addition to the criteria set forth in Section 202, the Planning Commission finds that:</p> <p>(1) The bar function is operated as an integral element of an establishment which is classified both as: (A) <i>a full-service</i> restaurant as defined in § <del>790.92</del> <u>790.91</u> and (B) a bona-fide restaurant as defined in § 781.8(c); and</p> <p>(2) The establishment maintains only an ABC license type 47. Other ABC license types, except those that are included within the definition of a <i>full-service</i> restaurant pursuant to § 790.22, are not permitted for those uses subject to this Section.</p> <p>(b) Subsequent to the granting of a conditional use authorization under this Section, the Commission may consider immediate revocation of the previous conditional use authorization should an establishment no longer comply with an of the above criteria for any length of time.</p>
<p>§ <del>725.42-719.44</del></p>	<p>§ <del>790.92-790.91</del> § 790.22</p>	<p><b>HAIGHT STREET <i>FULL-SERVICE</i> RESTAURANTS</b>  <b>Boundaries:</b> Applicable to the Haight Street Neighborhood Commercial District and Haight Street Alcohol Restricted Use Subdivision.  <b>Controls:</b> A <i>full-service</i> restaurant may be permitted as a conditional <i>use</i> on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission has approved no more than a total of 3 <i>full-service</i> restaurants in accordance with this Section. Should a <i>full-service</i> restaurant permitted under this Section cease operation and complete a lawful change of use to another principally or conditionally permitted use, the Commission may consider a new <i>full-service</i> restaurant in accordance with the terms of this Section.</p>

**SEC. 720. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**

**ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Hayes-Gough		
			Controls by Story		
		§ 790.118	1st	2nd	3rd

720.42	<del>Full-Service Restaurant</del>	§ 790.92	P		
720.43	<del>Large Fast Food Limited- Restaurant</del>	§ 790.90	CP		
720.44	Small Self-Service Restaurant	§ 790.91	P		
720.67	<del>Video Store</del>	§ 790.135	C	C	
720.69A	Self-Service Specialty Food	§ 790.93	P		

**SEC. 721. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Upper Market Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd

721.42	Full-Service Restaurant	§ 790.92	C	-	-
721.43	<del>Large Fast Food Limited- Restaurant</del>	§ 790.90	P		

721.44	<i>Small Self-Service Restaurant</i>	§ 790.91	C		
721.67	<i>Video Store</i>	§ 790.135	€	€	
721.69A	<i>Self-Service Specialty Food</i>	§ 790.93	€		

**SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.**

No.	Zoning Category	§ References	North Beach		
			Controls by Story		
		§ 790.118	1st	2nd	3rd

722.42	<i>Full-Service Restaurant</i>	§ 790.92 § 780.3	C#		
722.43	<i>Large Fast Food Limited- Restaurant</i>	§ 790.90	C#		
722.44	<i>Small Self-Service Restaurant</i>	§ 790.91 § 780.3	C#		
722.67	<i>Video Store</i>	§ 790.135	€	€	
722.69A	<i>Self-Service Specialty Food</i>	§ 790.93	€		

§ 722.40	§ 790.102(n)	<b>NORTH BEACH SPECIALTY RETAIL USES</b>
-	-	<b>Boundaries: North Beach NCD</b>
		<b>Controls: Retail coffee stores defined pursuant to Code § 790.102(n) are not permitted without</b>

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

		<p><i>conditional use authorization except to the extent qualifying as specialty grocery permitted pursuant to § 790.102(b)</i></p>
<p><del>§§ 722.42,</del>  <u>722.43</u>  722.44,  <del>722.41</del></p>	<p>§ 780.3</p>	<p><b>NORTH BEACH <u>EATING AND DRINKING USES SPECIAL USE DISTRICT</u></b></p> <p><b>Boundaries:</b> North Beach NCD</p> <p><b>Controls:</b> <del>Full-service</del> <u>Restaurants</u> and <del>small self-service-limited</del>-restaurants as defined in Sections <del>790.92</del> <u>790.90</u> and 790.91 of this Code and bars as defined in Section 780.22 may be permitted as a conditional use on the first story if, in addition to the criteria set forth in Section 303, the Planning Commission finds that the <del>full-service</del> restaurant, <del>small self-service limited</del>-restaurant, or bar does not occupy:</p> <p>(1) a space that is currently or was last occupied by a Basic Neighborhood Sale or Service, as defined in Section 780.3(b), or by a permitted principal use under Section 722 (North Beach Controls); or</p> <p>(2) a vacant space last occupied by a nonconforming use or a permitted conditional use under Section 722 (North Beach</p>

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

		<p>Controls) that has been discontinued or abandoned pursuant to Section 186.1(d) or Section 178(d) of this Code.</p>
<p>§§ <del>722.42,</del> 722.44</p>	<p>§§ 790.92, 790.91</p>	<p>NORTH BEACH LIQUOR LICENSES FOR <u>FULL SERVICE AND SMALL SELF SERVICE</u> RESTAURANTS</p> <p><b>Boundaries:</b> North Beach NCD</p> <p><b>Controls:</b></p> <p><del>— (a) In order to allow full service restaurants, as defined in § 790.92, and small self service restaurants, as defined in § 790.91 to seek or maintain an ABC license type 41, so that they may provide on site beer and/or wine sales for drinking on the premises, the restaurant shall be required to operate as a 'bona fide eating place' as defined in § 790.142.</del></p> <p>(b) (a) In order to allow full service restaurants, as defined in § 790.91, to seek and maintain an ABC license type 47, so that liquor may be served for drinking on the premises, a bar use, as defined in § 790.22, may be permitted as a conditional use on the ground level if, in addition to the criteria set forth in Section 303, the Planning</p>

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

		<p>Commission finds that:</p> <p>(1) The bar function is operated as an integral element of an establishment which is classified both as: (A) a <i>full-service</i> restaurant as defined in § <del>790.92</del> <u>790.91</u> and (B) a 'bona-fide eating place' as defined in § 790.142; and</p> <p>(2) The establishment maintains only an ABC license type 47, 40, 41 or 60.</p> <p>(c) The Commission may consider immediate revocation of a previous conditional use authorization should an establishment no longer comply with any of the criteria set forth above in (a) or (b) of this Section for any length of time.</p> <p><del>(d) A small self service restaurant use as defined in § 790.91 may not provide liquor for drinking on the premises (with ABC licenses 42, 47, 48, or 61).</del></p>
--	--	--

**SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT**  
**ZONING CONTROL TABLE**

			<b>Polk Street</b>
--	--	--	--------------------

No.	Zoning Category	§ References	Controls
723.21	Use Size [Non-Residential]	§ 790.130	P up to <del>1,999</del> <u>2,499</u> sq. ft.; C <del>2,000</del> <u>2,500</u> sq. ft. & above § 121.2

No.	Zoning Category	§ References	Polk Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd

723.42	Full Service Restaurant	§ 790.92	€		
723.43	Large Fast Food <u>Limited</u> - Restaurant	§ 790.90	P		
723.44	Small Self Service Restaurant	§ 790.91	C		
723.67	Video Store	§ 790.135	€	€	
723.69A	Self Service Specialty Food	§ 790.93	€		

**SEC. 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT  
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Sacramento Street		
			Controls by Story		
		§ 790.118	1st	2nd	3 <sup>rd</sup>

724.42	<i>Full Service Restaurant</i>	§ 790.92	€		
724.43	<i>Large Fast Food Limited- Restaurant</i>	§ 790.90	<u>P</u>		
724.44	<i>Small Self Service Restaurant</i>	§ 790.91	C		
724.67	<i>Video Store</i>	§ 790.135	€	€	-
724.69A	<i>Self Service Specialty Food</i>	§ 790.93	€		

**SEC. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Union Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd

725.42	<i>Full Service Restaurant</i>	§ 790.92	C#		
725.43	<i>Large Fast Food Limited- Restaurant</i>	§ 790.90	<u>P#</u>		



725.44	<i>Small Self-Service Restaurant</i>	§ 790.91	C#		
<del>725.67</del>	<del><i>Video Store</i></del>	<del>§ 790.135</del>	€	€	
<del>725.69A</del>	<del><i>Self-Service Specialty Food</i></del>	<del>§ 790.93</del>	C#		

**SPECIFIC PROVISIONS FOR THE UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

<b>Article 7 Code Section</b>	<b>Other Code Section</b>	<b>Zoning Controls</b>
§ 725.42 725.44	§ <del>790.92-790.91</del>	<p>UNION STREET <del>FULL-SERVICE</del> RESTAURANTS</p> <p><b>Boundaries:</b> Applicable to the Union Street Neighborhood Commercial District</p> <p><b>Applicability:</b> The following controls apply to new uses as well to significant alterations, modifications, and intensifications of existing uses pursuant to § 178(c) of the Planning Code.</p> <p><b>Controls:</b> The Planning Commission may approve a <del>full-service</del> restaurant providing on-site beer and/or wine sales (with ABC license 40, 41 or 60) if, in addition to meeting the criteria set forth in Section 303, the use (1) is located on the ground floor, and (2) the</p>

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

		<p>Planning Commission finds that an additional <del>full-service</del> restaurant would not result in a net total of more than <del>32 full-service</del> <u>44</u> restaurants in the Union Street Neighborhood Commercial District. The Planning Department shall apply Article 7 zoning controls for Union Street Full-Service Restaurants to conditional use authorizations required by Planning Code § 178, including but not limited to significant alterations, modifications, and intensifications of use.</p>
<p><del>§ 725.44 and 725.69B</del></p>	<p><del>§ 790.91 790.93</del></p>	<p><del>SMALL SELF-SERVICE RESTAURANTS AND SELF-SERVICE SPECIALTY FOOD USES</del></p> <p><del>Boundaries: Applicable to the Union Street Neighborhood Commercial District</del></p> <p><del>Controls: The Planning Commission may approve a Small Self-Service Restaurants or Self-Service Specialty Food use if, in addition to meeting the criteria set forth in Section 303, the Planning Commission finds that an additional such use would not result in a net total of more than 12 combined Small Self-Service Restaurants and Self-Service Specialty Food uses in the Union Street</del></p>

		<i>Neighborhood Commercial District.</i>
--	--	--

**SEC. 726. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT  
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Valencia Street Transit		
			Controls by Story		
		§ 790.118	1st	2nd	3rd

726.42	<i>Full Service Restaurant</i>	§ 790.92	P		
726.43	<i>Large Fast Food Limited- Restaurant</i>	§ 790.90	CP		
726.44	<i>Small Self Service Restaurant</i>	§ 790.91	P		
726.67	<i>Video Store</i>	§ 790.135	C	C	-
726.69A	<i>Self Service Specialty Food</i>	§ 790.93	P		

**SEC. 727. 24TH STREET – MISSION NEIGHBORHOOD COMMERCIAL TRANSIT  
DISTRICT ZONING CONTROL TABLE.**

No.	Zoning Category	§ References	24 <sup>th</sup> – Mission Transit		
			Controls by Story		
		§ 790.118	1st	2nd	3rd

727.42	<i>Full Service Restaurant</i>	§ 790.92	C		
--------	--------------------------------	----------	---	--	--

727.43	<del>Large Fast Food Limited-</del> Restaurant	§ 790.90	<u>P</u>		
727.44	<del>Small Self-Service</del> Restaurant	§ 790.91	C		
<del>727.67</del>	<del>Video Store</del>	<del>§ 790.135</del>	€	-	-
727.69A	<del>Self-Service Specialty Food</del>	<del>§ 790.93</del>	€		

**SEC. 728. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT  
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	24 <sup>TH</sup> Street - Noe Valley		
			Controls by Story		
		§ 790.118	1st	2nd	3rd

728.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P-#	C-#	
<del>728.42</del>	<del>Full Service Restaurant</del>	<del>§ 790.92</del>	€	-	
728.43	<del>Large Fast Food Limited-</del> Restaurant	§ 790.90	<u>P #</u>		
728.44	<del>Small Self-Service</del> Restaurant	§ 790.91	C		
<del>728.67</del>	<del>Video Store</del>	<del>§ 790.135</del>	€	€	
728.69A	<del>Self-Service Specialty Food</del>	<del>§ 790.93</del>	€		

**SPECIFIC PROVISIONS FOR THE 24TH STREET - NOE VALLEY NEIGHBORHOOD  
COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
§ 728.40	§ 790.102(b) and (n) § 703.2(b)(1)(C)	<p>24TH STREET - NOE VALLEY SPECIALTY RETAIL USES</p> <p><b>Boundaries:</b> Only the area within the 24th Street - Noe Valley Neighborhood Commercial District. The controls shall not apply to NC-1 Districts or nonconforming uses within ¼ mile of this District asset forth in Code §§ 710.10 and 186.</p> <p><b>Controls:</b> <i>Limited-Restaurants Retail coffee stores, as defined in Code § 790.91 790.102(n), that are also formula retail establishments as defined in Code §703.3 are prohibited. Retail coffee stores and specialty groceries, defined in Code § 790.102(b), are prohibited from establishing accessory take-out food service use pursuant to Code § 703.2(b)(1)(C).</i></p>
§ 728.41	§ 790.22	<p>24th STREET - NOE VALLEY LIQUOR LICENSES FOR <i>FULL SERVICE</i></p>

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

		<p>RESTAURANTS</p> <p><b>Boundaries:</b> Applicable to the 24th Street - Noe Valley Neighborhood Commercial District</p> <p><b>Controls:</b> (a) In order to allow certain restaurants to seek an ABC license type 47 so that liquor may be served for drinking on the premises, a bar use, as defined in § 790.22, may be permitted as a conditional use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission finds that:</p> <p>(1) The bar function is operated as an integral element of an establishment which is classified both as: (A) a <i>full-service</i> restaurant as defined in § <del>790.92</del> <u>790.91</u> and (B) a bona-fide restaurant as defined in § 781.8(c); and</p> <p>(2) The establishment maintains only an ABC license type 47. Other ABC license types, except those that are included within the definition of a <i>full-service</i> restaurant pursuant to § <del>790.92</del> <u>790.91</u>, are not permitted for those uses subject to this Section.</p> <p>(b) Subsequent to the granting of a conditional use authorization under this</p>
--	--	--

		<p>Section, the Commission may consider immediate revocation of the previous conditional use authorization should an establishment no longer comply with any of the above criteria for any length of time.</p>
--	--	--

**SEC. 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT**  
**ZONING CONTROL TABLE**

No.	Zoning Category	§ References	West Portal Avenue		
			Controls by Story		
		§ 790.118	1st	2nd	3rd

729.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P#	P	
729.41	Bar	§ 790.22	C		
<i>729.42</i>	<i>Full Service Restaurant</i>	<i>§ 790.92</i>	<i>C</i>		
729.43	<i>Large Fast Food Limited-</i> Restaurant	§ 790.90	<u>P</u>		
729.44	<i>Small Self Service</i> Restaurant	§ 790.91	<u>C</u>		
<i>729.67</i>	<i>Video Store</i>	<i>§ 790.135</i>	<i>C</i>	<i>C</i>	

729.69A	Self Service Specialty Food	§ 790.93			
---------	-----------------------------	----------	--	--	--

**SPECIFIC PROVISIONS FOR THE WEST PORTAL AVENUE NEIGHBORHOOD  
COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
§ 729.40	§ 790.102	<p><i>Boundaries: The entire West Portal Neighborhood Commercial District</i></p> <p><i>Controls: A retail coffee store or other non-alcoholic beverage store as defined by Subsection 790.102(n) may be granted a conditional use to be exempt from the prohibition described in that subsection of cooking devices and on-site food preparation not connected with beverage preparation, provided that the cooking device allowed shall be limited to one small device for warming sandwich ingredients and provided that all other provisions of Subsection 790.102(n) are met.</i></p>

**SEC. 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

No.	Zoning Category	§	Inner Sunset
-----	-----------------	---	--------------



		<b>References</b>	<b>Controls by Story</b>		
		§ 790.118	1st	2nd	3rd

730.42	<i>Full Service Restaurant</i>	§ 790.92	C		
730.43	<i>Large Fast Food Limited- Restaurant</i>	§ 790.90	P		
730.44	<i>Small Self Service Restaurant</i>	§ 790.91	C		
730.67	<i>Video Store</i>	§ 790.135	C		
730.69A	<i>Self Service Specialty Food</i>	§ 790.93	C		

**SEC. 731. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT  
NCT-3 ZONING CONTROL TABLE**

No.	Zoning Category	§ References	NCT-3 Controls by Story		
			1st	2nd	3rd
		§ 790.118			
731.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P#	P#	P#
731.42	<i>Full Service Restaurant</i>	§ 790.92	P	P	-
731.43	<i>Large Fast Food Limited- Restaurant</i>	§ 790.90	C#P	C#P	-

731.44	<i>Small Self-Service Restaurant</i>	§ 790.91	P#	P#	-
731.67	<i>Video Store</i>	§ 790.135	€	€	€
731.69A	<i>Self-Service Specialty Food</i>	§ 790.93	P#	P#	-

**SEC. 732. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT  
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Pacific Avenue <i>NCD</i>		
			Controls by Story		
		§ 790.118	1st	2nd	3rd

732.42	<i>Full-Service Restaurant</i>	§ 790.92	€		
732.43	<i>Large-Fast-Food Limited- Restaurant</i>	§ 790.90	<u>P</u>		
732.44	<i>Small Self-Service Restaurant</i>	§ 790.91	<u>C</u>		
732.67	<i>Video Store</i>	§ 790.135	€		
732.69A	<i>Self-Service Specialty Food</i>	§ 790.93			

**SEC. 733. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT  
DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Upper Market Street		
			Controls by Story		

		§ 790.118	1st	2nd	3rd
--	--	-----------	-----	-----	-----

733.42	Full-Service Restaurant	§ 790.92	€	-	-
733.43	Large Fast Food <u>Limited</u> - Restaurant	§ 790.90	<u>P</u>	-	-
733.44	Small Self-Service Restaurant	§ 790.91	<u>C</u>	-	-
733.67	Video Store	§ 790.135	€	€	-
733.69A	Self-Service Specialty Food	§ 790.93	€		

**SEC. 733A. NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT NCT-1**  
**ZONING CONTROL TABLE**

No.	Zoning Category	§ References	NCT-1		
			Controls by Story		
		§ 790.118	1st	2nd	3rd

733A.42	Full-Service Restaurant	§ 790.92	<u>P</u> #		
733A.43	Large Fast Food <u>Limited</u> - Restaurant	§ 790.90	<u>P</u> #		
733A.44	Small Self-Service Restaurant	§ 790.91	€ <u>P</u> #		
733A.67	Video Store	§ 790.135	€		

733A.69A	Self-Service Specialty Food	§ 790.93	P#		
----------	-----------------------------	----------	----	--	--

**SPECIFIC PROVISIONS FOR NCT-1 DISTRICTS**

Article 7 Code Section	Other Code Section	Zoning Controls
§ 733A.40 § 733A.41 <del>§ 733A.42</del> <u>733A.43</u>		<b>Boundaries:</b> All NCT-1 Districts <b>Controls:</b> P if located more than ¼ mile from any NC District or Restricted Use Subdistrict with more restrictive controls; otherwise, same as more restrictive control
§ 733A.44		<b>Boundaries:</b> All NCT-1 Districts <b>Controls:</b> C if located more than ¼ mile from any NC District or Restricted Use Subdistrict with more restrictive controls; otherwise, same as more restrictive control

**SEC. 734. SMALL-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT NCT-2**

**ZONING CONTROL TABLE**

No.	Zoning Category	§ References	NCT-2		
			Controls by Story		
		§ 790.118	1st	2nd	3rd
734.42	Full-Service Restaurant	§ 790.92	P	-	-

734.43	<i>Large Fast Food Limited- Restaurant</i>	§ 790.90	<i>CP</i>		
734.44	<i>Small Self-Service Restaurant</i>	§ 790.91	<i>P</i>		
<del>734.67</del>	<del><i>Video Store</i></del>	<del>§ 790.135</del>	<del><i>C</i></del>	<del><i>C</i></del>	
<del>734.69A</del>	<del><i>Self-Service Specialty Food</i></del>	<del>§ 790.93</del>	<del><i>P</i></del>		

**SEC. 735. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**

**ZONING CONTROL TABLE**

No.	Zoning Category	§ References	SoMa		
			Controls by Story		
		§ 790.118	1st	2nd	3rd

<del>735.42</del>	<del><i>Full-Service Restaurant</i></del>	<del>§ 790.92</del>	<del><i>P</i></del>		
735.43	<i>Large Fast Food Limited- Restaurant</i>	§ 790.90	<i>CP</i>		
735.44	<i>Small Self-Service Restaurant</i>	§ 790.91	<i>P</i>		
<del>735.67</del>	<del><i>Video Store</i></del>	<del>§ 790.135</del>	<del><i>P</i></del>	<del><i>P</i></del>	
<del>735.69A</del>	<del><i>Self-Service Specialty Food</i></del>	<del>§ 790.93</del>	<del><i>P</i></del>		

**SEC. 736. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**

**ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Mission Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd

736.42	<i>Full-Service Restaurant</i>	§ 790.92	P	P	
736.43	<i>Large-Fast-Food Limited-Restaurant</i>	§ 790.90	P		
736.44	<i>Small-Self-Service Restaurant</i>	§ 790.91	CP		
736.67	<i>Video Store</i>	§ 790.135	C	C	C
736.69A	<i>Self-Service Specialty Food</i>	§ 790.93	P		

**SEC. 737. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**

**ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Ocean Avenue		
			Controls by Story		
		§ 790.118	1st	2nd	3rd

737.42	<i>Full-Service Restaurant</i>	§ 790.92	P		
737.43	<i>Large-Fast-Food Limited-Restaurant</i>	§ 790.90	P		
737.44	<i>Small-Self-Service Restaurant</i>	§ 790.91	P		

737.67	Video Store	§ 790.135	€	€	
737.69A	Self-Service Specialty Food	§ 790.93	P		

**SEC. 780.3. NORTH BEACH SPECIAL USE DISTRICT.**

In order to preserve and maintain the mix and variety of neighborhood-serving retail sales and personal services of a type which supplies commodities or offers personal services to residents of North Beach and nearby neighborhoods, there shall be a North Beach Special Use District applicable to the North Beach Neighborhood Commercial District, as designated on the Sectional Map SU01 of the Zoning Maps. The following provisions shall apply within such district:

(a) ~~Full-service~~ Restaurants and Limited-Restaurant ~~small self-service restaurants~~ as defined in Sections ~~790.92~~ 790.90 and 790.91 of this Code and bars as defined in Section 780.22 of this Code may be permitted as a conditional use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission finds that the Restaurant or Limited-Restaurant ~~full-service restaurant, small self-service restaurant,~~ or bar does not occupy (1) a space that is currently or was last occupied by a Basic Neighborhood Sale or Service, as defined in Section 780.3(b), or by a permitted principal use under Section 722 (North Beach Controls); or (2) a vacant space last occupied by a nonconforming use or a permitted conditional use under Section 722 (North Beach Controls) that has been discontinued or abandoned pursuant to Section 186.1(d) or Section 178(d) of this Code.

(b) For purposes of this Section, a Basic Neighborhood Sale or Service shall mean a use within the North Beach Neighborhood Commercial District that provides goods and/or services which are needed by residents and workers in North Beach and surrounding neighborhoods. Basic Neighborhood Sales or Services shall be considered to include, but not be limited to the following goods and/or services: Other Retail Sales and Services as defined

1 in Section 790.102, Personal Services as defined in Section 790.116, Medical Services as  
2 defined in Section 790.114, Liquor Stores as defined in Section 790.55, Video Stores as  
3 defined in Section 790.135, Trade Shops as defined in Section 790.124; and Animal Hospitals  
4 as defined in Section 790.6, ~~and Self-Service Specialty Food use as defined in Section 790.93.~~

5 **SEC. 781.1. TARAVAL STREET RESTAURANT SUBDISTRICT.**

6 ~~*For controls for the 17th AND RHODE ISLAND STREET GROCERY STORE SPECIAL USE*~~  
7 ~~*SUBDISTRICT see Section 249.62.*~~

8 *In order to preserve the mix and variety of goods and services provided to the Sunset and*  
9 *Parkside neighborhoods and City residents, prevent further proliferation of restaurant uses and prevent*  
10 *further aggravation of parking and traffic congestion in this district, there shall be a Taraval Street*  
11 *Restaurant Subdistrict, generally applicable for the NC-1-zoned portions of Taraval Street located*  
12 *between 40th and 41st Avenues and between 45th and 47th Avenues, and for the NC-2-zoned portion of*  
13 *Taraval Street located between 12th and 36th Avenues, as designated on Sectional Maps 5SU and GSU*  
14 *of the Zoning Map. The following provisions shall apply within such subdistrict:*

15 *(a) Restaurants and Limited-restaurants, as defined in Sections 790.90 and 790.91 of this*  
16 *Code, are permitted as conditional uses on the first story and below.*

17 *(b) Restaurants and limited-restaurants also defined as formula retail, as defined in Section*  
18 *703.3 of this Code, shall not be permitted in this subdistrict.*

19 *(c) The provisions of Sections 180 through 186.1 of this Code shall govern Restaurants and*  
20 *Limited-restaurants also defined as formula retail, which existed lawfully at the effective date of this*  
21 *Code in this subdistrict.*

22 **SEC. 781.2. IRVING STREET RESTAURANT AND FAST-FOOD SUBDISTRICT.**

23 In order to preserve the mix and variety of goods and services provided to the Sunset  
24 neighborhoods and City residents, prevent further proliferation of restaurant uses and prevent  
25 further aggravation of parking and traffic congestion in this district, there shall be an Irving



1 Street Restaurant ~~and Fast Food~~ Subdistrict, generally applicable for the NC-2-zoned portion  
2 of Irving Street located between 19th and 27th Avenues, as designated on Sectional Maps  
3 5SU and 6SU of the Zoning Map. The following provisions shall apply within such subdistrict:

4 (a) ~~Small self service~~ Restaurants, as defined in Section 790.91 of this Code, are  
5 permitted as conditional uses on the first story and below.

6 (b) ~~Full service restaurants and large fast food restaurants, as defined in Section 790.92 and~~  
7 ~~Section 790.90 of this Code, shall not be permitted in this subdistrict.~~

8 (c) ~~The provisions of Sections 180 through 186.1 of this Code shall govern full service~~  
9 ~~restaurants and large fast food restaurants which existed lawfully at the effective date of this Code in~~  
10 ~~this subdistrict.~~

11 **SEC. 781.5. MISSION STREET FORMULA RETAIL RESTAURANT FAST-FOOD**  
12 **SUBDISTRICT.**

13 In order to preserve the mix and variety of goods and services provided to the Mission  
14 neighborhood and City residents and prevent further proliferation of formula retail fast food  
15 ~~restaurant uses, and prevent further aggravation of parking and traffic congestion in this district,~~  
16 there shall be a Mission Street Formula Retail Restaurant Fast-Food Subdistrict, generally  
17 applicable for the NC-3-zoned portion of Mission Street between 14th and Randall Streets, as  
18 designated on Sectional Map 7SU of the Zoning Map. The following provisions shall apply  
19 within such subdistrict:

20 (a) ~~A small self service restaurant, as defined in Section 790.91 of this Code, is permitted as a~~  
21 ~~conditional use on the first story and below only. A restaurant-limited use, as defined by Planning Code~~  
22 ~~Section 790.90 and a Restaurant Use, as defined by Planning Code Section 790.91, that are also~~  
23 ~~Formula Retail Uses, as defined in Planning Code Section 703.3, shall not permitted in this subdistrict.~~

24 (b) ~~A large fast food restaurant, as defined in Section 790.90 of this Code, shall not be~~  
25 ~~permitted in this subdistrict.~~

1 (e) (b) The provisions of Sections 180 through 186.1 of this Code shall govern *large fast food*  
2 *Formula Retail Limited-Restaurants and Restaurants* which existed lawfully at the effective date  
3 of this Code in this subdistrict.

4 **SEC. 781.9. HAIGHT STREET ALCOHOL RESTRICTED USE SUBDISTRICT.**

5 There is an unusually large number of establishments dispensing alcoholic beverages,  
6 including beer and wine, for both on-site and off-site consumption in the Haight-Ashbury  
7 neighborhood. A concentration of alcoholic beverage establishments in a neighborhood  
8 disrupts the desired mix of land uses that contribute to a livable neighborhood and  
9 discourages more desirable and needed commercial uses in the area. A concentration of  
10 establishments selling alcoholic beverages in an area may therefore contribute to the  
11 deterioration of the neighborhood and to the concomitant devaluation of property and  
12 destruction of community values and quality of life. These effects contribute to peace, health,  
13 safety and general welfare problems in these areas, including loitering, littering, public  
14 drunkenness, driving while intoxicated, defacement and damaging of structures, pedestrian  
15 obstructions, as well as traffic circulation, parking and noise problems on public streets and  
16 neighborhood lots, and other nuisance activities. The existence of such problems creates  
17 serious impacts on the health, safety and welfare of residents of nearby single- and multiple-  
18 family areas. These impacts include fear for the safety of children, elderly residents and  
19 visitors to the area.

20 (a) **Haight Street Alcohol Restricted Use Subdistrict Established.** In order to  
21 preserve the residential character and the neighborhood-serving commercial uses of the  
22 Haight-Ashbury neighborhood, the Haight Street Alcohol Restricted Use Subdistrict (Haight  
23 Street Alcohol RUSD) is hereby established with boundaries coterminous with the Haight  
24 Street Neighborhood Commercial District as designated on Sectional Map numbers 6 and 7.  
25 The Haight Street Alcohol RUSD is designated on Section Map Numbers 6SU and 7SU.

1 (1) No new on-sale or off-sale liquor establishment shall be permitted in the Haight  
2 Street RUSD, except for up to 4 additional ~~full-service~~ restaurants in accordance with the  
3 zoning controls set forth in Section 719.

4 (2) These controls also shall apply within ¼-mile of the Haight Street Alcohol RUSD to  
5 nonconforming uses in R districts pursuant to Planning Code Section 186, and in NC-1  
6 Districts, pursuant to the Special Provisions for NC-1 Districts which follows the Control Table  
7 constituting Sections 710.10 through 710.95.

8 (3) The prohibition on Liquor Establishments shall not be interpreted to prohibit the  
9 following:

10 (A) Temporary uses, as described in Planning Code Section 205.1 or 205.3; or

11 (B) Establishment of a Liquor Establishment if application for such Liquor  
12 Establishment is on file with the California Department of Alcoholic Beverage Control prior to  
13 the effective date of legislation establishing the Haight Street Alcohol RUSD.

14 (C) Establishment of a Liquor Establishment if: (1) such use is an eligible movie  
15 theater, (2) only beer and wine are offered for consumption, and (3) such beer and wine are:  
16 (i) only consumed on the premises and primarily in the main theater auditorium, (ii) only sold  
17 to and consumed by ticketholders and only immediately before and during performances, and  
18 (iii) only offered in conjunction with the screening of films and not as an independent element  
19 of the establishment that is unrelated to the viewing of films. For purposes of this Section, an  
20 "eligible movie theater" shall be a movie theater as defined in Code Section 790.64 that  
21 contains only a single screen and auditorium, has seating for 150 or fewer persons, and is not  
22 a formula retail use as defined in Code Section 703.3(b).

23 (4) Continuation of existing Prohibited Liquor Establishments. In the Haight Street  
24 Alcohol RUSD, any Prohibited Liquor Establishment may continue in accordance with  
25 Planning Code Section 180 through 186.2, subject to the following provisions. For purposes of

1 this Section, the Haight Street Alcohol RUSD shall be considered to include, pursuant to  
2 Section 186 of this Code and to the Special Provisions for NC-1 Districts, the area within ¼-  
3 mile of the Haight Street Alcohol RUSD as mapped.

4 (A) A Prohibited Liquor Establishment lawfully existing and selling alcoholic beverages  
5 as licensed by the State of California prior to the effective date of this legislation, or  
6 subsequent legislation prohibiting that type of Liquor Establishment, so long as otherwise  
7 lawful, may continue to operate only under the following conditions, as provided by California  
8 Business and Professions Code Section 23790:

9 (1) Except as provided by Subsection (B) below, the premises shall retain the same  
10 type of retail liquor license within a license classification; and

11 (2) Except as provided by Subsection (B) below, the licensed premises shall be  
12 operated continuously, without substantial change in mode or character of operation.

13 (B) A break in continuous operation shall not be interpreted to include the following,  
14 provided that the location of the establishment does not change, the square footage used for  
15 the sale of alcoholic beverages does not increase, and the type of California Department of  
16 Alcoholic Beverage Control Liquor License ("ABC License") does not change except as  
17 indicated:

18 (1) A change in ownership of a Prohibited Liquor Establishment or an owner-to-owner  
19 transfer of an ABC License; or

20 (2) Re-establishment, restoration or repair of an existing Prohibited Liquor  
21 Establishment on the same lot after total or partial destruction or damage due to fire, riot,  
22 insurrection, toxic accident or act of God; or

23 (3) Temporary closure of an existing Prohibited Liquor Establishment for not more than  
24 ninety (90) days for repair, renovation or remodeling;

1 (4) Re-location of an existing Prohibited Liquor Establishment in the Haight Street  
2 Alcohol RUSD to another location within the same Haight Street Alcohol RUSD with  
3 conditional use authorization from the City Planning Commission, provided that the original  
4 premises shall not be occupied by a Prohibited Liquor Establishment, unless by another  
5 Prohibited Liquor Establishment that is also relocating from within the Haight Street Alcohol  
6 RUSD.

7 (5) A change from a Type 21 (off-sale general) to a Type 20 (off-sale beer and wine)  
8 license.

9 (b) **Definitions.**

10 (1) A "liquor establishment" shall mean any enterprise selling alcoholic beverages, as  
11 defined by California Business and Professions Code Section 23004 and 23025, pursuant to a  
12 California Alcoholic Beverage Control Board license.

13 (2) An "on-sale liquor establishment" shall mean any liquor establishment which has  
14 obtained Alcoholic Beverage Control Board License type 40 (on-sale beer), type 41 (on-sale  
15 beer and wine eating place), type 42 (on-sale beer and wine public premises), type 47 (on-  
16 sale general eating place), type 48 (on-sale general-public premises) or type 57 (special on-  
17 sale general) selling alcoholic beverages for consumption on the premises. Typical on-sale  
18 establishments may include but are not limited to bars and restaurants serving alcoholic  
19 beverages. It shall not include types 51, 52, 59, 60, 61, 67, 70 or 75.

20 (3) An "off-sale liquor establishment" shall mean any establishment that is defined in  
21 Section 790.55 of this Code.

22 (4) A "prohibited liquor establishment" shall mean any establishment selling alcoholic  
23 beverages lawfully existing prior to the effective date of the establishment of the Haight Street  
24 Alcohol RUSD and licensed by the State of California for the retail sale of alcoholic beverages  
25 for on or off-site consumption, so long as otherwise lawful.

1 (c) **Fringe Financial Services.** In addition to all other applicable controls set forth in  
2 this Code, properties in the Haight Street Alcohol Restricted Use Subdistrict are within the  
3 Fringe Financial Service Restricted Use District established by Section 249.35 and are subject  
4 to the controls and exemptions set forth in Section 249.35.

5 **SEC. 787. 1800 MARKET STREET COMMUNITY CENTER PROJECT SPECIAL USE**  
6 **DISTRICT.**

7 In order to provide for a compatible revenue-generating commercial and economic  
8 development use in a portion of the existing San Francisco Lesbian Gay Bisexual and  
9 Transgender Community Center at 1800 Market Street to financially support the ongoing  
10 operations of such community center, there shall be an 1800 Market Street Community  
11 Center Project Special Use District at 1800 Market Street located at the northwest corner of  
12 Market Street and Octavia Boulevard, consisting of Lot 014 of Assessor's Block 871, as  
13 designated on Sectional Map SU07 of the Zoning Map. The following provisions shall apply  
14 within such special use district:

15 (a) In this special use district all of the provisions of this Code applicable in an NCT-3  
16 Zoning District shall continue to apply, except as specifically provided in Subsections (b) and  
17 (c) below.

18 (b) A ~~full-service~~ restaurant, as defined in Section ~~790.90-790.91~~, a bar, as defined in  
19 Section 790.22, and other entertainment, as defined in Section 790.38, up to 6,999 gross  
20 square feet in use size shall be permitted uses on the third story and above.

21 (c) An outdoor activity area operated by a permitted ~~full-service~~ restaurant, bar or other  
22 entertainment use, as defined by Sections 145.2 and 790.70, shall be a permitted use on the  
23 third story and above if located contiguous to the Market Street front property line, subject to  
24 the following restrictions:  
25

1 (1) Hours of operation of the outdoor activity area shall be no later than 12:00 midnight  
2 Sunday through Thursday and 2:00 a.m. on Friday, Saturday, and evenings before a holiday.

3 (2) The noise associated with any amplified music, outdoor speakers, or other devices  
4 located in the outdoor activity area shall not exceed a noise level more than eight dBA above  
5 the local ambient at any point outside of the property plane, as defined by Chapter 29 of the  
6 Police Code.

7 **SEC. 790.22. BAR.**

8 A retail use which provides on-site alcoholic beverage sales for drinking on the  
9 premises, including bars serving beer, wine and/or liquor to the customer where no person  
10 under 21 years of age is admitted (with Alcoholic Beverage Control [ABC] licenses 42, 48, or  
11 61) and drinking establishments serving liquor (with ABC licenses 47 or 49) in conjunction with  
12 other uses which admit minors, such as restaurants, movie theaters, and other entertainment.  
13 If a bar use also includes a ~~full-service~~ restaurant, as defined by ~~790.92~~, or a ~~small self-service~~  
14 ~~restaurant as defined by~~ 790.91, then these uses are considered to be separate and distinct,  
15 even though they may occupy the same retail space.

16 Such businesses shall operate with the specified conditions below:

17 The business operator shall maintain the main entrance to the building and all sidewalks  
18 abutting the subject property in a clean and sanitary condition in compliance with the Department of  
19 Public Works Streets and Sidewalk Maintenance Standards. In addition, the operator shall be  
20 responsible for daily monitoring of the sidewalk within a one-block radius of the subject business to  
21 maintain the sidewalk free of paper or other litter associated with the business during business hours,  
22 in accordance with Article 1, Section 34 of the San Francisco Police Code.

23 For information about compliance, contact Bureau of Street Use and Mapping, Department of  
24 Public Works.

1 When located within an enclosed space, the premises shall be adequately soundproofed or  
2 insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in  
3 other sections of the building and fixed-source equipment noise shall not exceed the decibel levels  
4 specified in the San Francisco Noise Control Ordinance.

5 For information about compliance with the fixed mechanical objects such as rooftop air  
6 conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels,  
7 contact the Environmental Health Section, Department of Public Health.

8 For information about compliance with the construction noise, contact the Department of  
9 Building Inspection.

10 For information about compliance with the amplified sound including music and television  
11 contact the Police Department.

12 While it is inevitable that some low level of odor may be detectable to nearby residents and  
13 passersby, appropriate odor control equipment shall be installed in conformance with the approved  
14 plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

15 For information about compliance with odor or other chemical air pollutants standards, contact  
16 the Bay Area Air Quality Management District, (BAAQMD) and Code Enforcement, Planning  
17 Department.

18 Garbage, recycling, and compost containers shall be kept within the premises and hidden from  
19 public view, and placed outside only when being serviced by the disposal company. Trash shall be  
20 contained and disposed off pursuant to garbage and recycling receptacles guidelines set forth by the  
21 Department of Public Works.

22 For information about compliance, contact Bureau of Street Use and Mapping, Department of  
23 Public Works.

24 **SEC. 790.34. EATING AND DRINKING USE.**



1 A retail use which provides food and/or beverages for either on or off-site food  
2 consumption including ~~take-out food, self-service specialty food, b~~Bars, ~~full-service r~~Restaurants,  
3 ~~Limited-Restaurants, and Take-out Food large fast food restaurants and small self-service restaurants.~~

4 **SEC. 790.90. – RESTAURANT, LARGE FAST-FOOD. LIMITED-RESTAURANT.**

5 ~~(a) A retail eating or drinking use which provides ready-to-eat food to a high volume of~~  
6 ~~customers at a high turnover rate for consumption on or off the premises, which may or may not~~  
7 ~~provide seating. Such use exhibits the following characteristics:~~

8 ~~(1) A gross floor area of 1,000 square feet or more;~~

9 ~~(2) A limited menu of ready-to-eat food prepared in advance of customer orders, or food which~~  
10 ~~is able to be quickly prepared for consumption on or off the premises;~~

11 ~~(3) Food served in disposable wrappers or containers;~~

12 ~~(4) Food is ordered and served at customer service counter;~~

13 ~~(5) Food is paid for prior to consumption;~~

14 ~~(6) Public food service area, including queuing areas and service counters without fixed seats,~~  
15 ~~which counters are designed specifically for the sale and distribution of food and beverages;~~

16 ~~(7) Food available upon a short waiting time.~~

17 ~~It does not include retail grocery stores with accessory take-out food activity, as described in~~  
18 ~~Section 703.2(b)(1)(C) of this Code, self-service specialty food use, as described in Section 790.93 of~~  
19 ~~this Code, or retail uses which sell prepackaged or bulk ready-to-eat foods with no site food~~  
20 ~~preparation area, such as confectionery or produce stores. When a fast food restaurant operates within~~  
21 ~~and in conjunction with another retail use, such as a retail grocery store, the area of the fast food~~  
22 ~~restaurant use shall be measured to include the area devoted to food preparation and service, seating~~  
23 ~~and separate public food service counters, excluding fish, poultry and meat counters.~~

24 ~~(e) It may provide off-site beer, wine, and/or liquor sales for consumption off the premises~~  
25 ~~(with ABC licenses 20 or 21) or on-site beer and/or wine sales for drinking on the premises (with ABC~~

1 ~~licenses 40, 41 or 60). If it serves liquor for drinking on the premises (with ABC licenses 47 or 48), or~~  
2 ~~does not admit minors (with ABC licenses 42 or 61), then it shall also be considered a bar, as defined~~  
3 ~~in Section 790.22 of this Code.~~

4 ~~(d) It shall be conducted in accordance with the following conditions:~~

5 ~~(1) All debris boxes shall be kept in enclosed structures.~~

6 ~~(2) The operator shall be responsible for cleaning the sidewalk within a one-block radius daily~~  
7 ~~to maintain the sidewalk free of paper or other litter during its business hours, in accordance with~~  
8 ~~Article 1, Section 34 of the San Francisco Police Code.~~

9 ~~(3) Noise and odors shall be contained within the premises so as not to be a nuisance to nearby~~  
10 ~~residents or neighbors.~~

11 A retail eating and/or drinking use which serves food and/or drinks to customers for  
12 consumption on or off the premises, that may or may not have seating. It may operate as a Take-Out  
13 Food use as defined under Planning Code Section 790.122. It may not provide any on-site sales of  
14 beer, wine or liquor, but may provide off-site sale of beer or wine as an accessory use. It is distinct and  
15 separate from the Restaurant definition, as defined in Section 790.91 of this Code.

16 It shall not be required to operate within an enclosed building pursuant to Section 703.2(b)(1)  
17 so long as it is also a Mobile Food Facility as defined in Section 102.34. Any associated outdoor  
18 seating and/or dining area is subject to regulation as an Outdoor Activity Area as set forth elsewhere in  
19 this Code.

20 Such businesses shall operate in accordance with the following conditions:

21 The business operator shall maintain the main entrance to the building and all sidewalks  
22 abutting the subject property in a clean and sanitary condition in compliance with the Department of  
23 Public Works Streets and Sidewalk Maintenance Standards. In addition, the operator shall be  
24 responsible for daily monitoring of the sidewalk within a one-block radius of the subject business to  
25

1 maintain the sidewalk free of paper or other litter associated with the business during business hours,  
2 in accordance with Article 1, Section 34 of the San Francisco Police Code.

3 For information about compliance, contact Bureau of Street Use and Mapping, Department of  
4 Public Works.

5 When located within an enclosed space, the premises shall be adequately soundproofed or  
6 insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in  
7 other sections of the building and fixed-source equipment noise shall not exceed the decibel levels  
8 specified in the San Francisco Noise Control Ordinance.

9 For information about compliance with the fixed mechanical objects such as rooftop air  
10 conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels,  
11 contact the Environmental Health Section, Department of Public Health .

12 For information about compliance with the construction noise, contact the Department of  
13 Building Inspection.

14 For information about compliance with the amplified sound including music and television  
15 contact the Police Department.

16 While it is inevitable that some low level of odor may be detectable to nearby residents and  
17 passersby, appropriate odor control equipment shall be installed in conformance with the approved  
18 plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

19 For information about compliance with odor or other chemical air pollutants standards, contact  
20 the Bay Area Air Quality Management District, (BAAQMD) and Code Enforcement, Planning  
21 Department.

22 Garbage, recycling, and compost containers shall be kept within the premises and hidden from  
23 public view, and placed outside only when being serviced by the disposal company. Trash shall be  
24 contained and disposed off pursuant to garbage and recycling receptacles guidelines set forth by the  
25 Department of Public Works.

1 For information about compliance, contact Bureau of Street Use and Mapping, Department of  
2 Public Works.

3 **SEC. 790.91. RESTAURANT, SMALL SELF-SERVICE. RESTAURANT**

4 ~~(a) A retail eating or eating and drinking use which provides ready-to-eat food for consumption~~  
5 ~~on and off the premises and which may or may not provide seating. Such use exhibits the following~~  
6 ~~characteristics:~~

7 ~~(1) Contains fewer than 50 seats and less than 1,000 square feet of gross floor area;~~

8 ~~(2) A limited menu of ready-to-eat food prepared in advance of customer orders, or food which~~  
9 ~~is able to be quickly prepared for consumption on or off the premises;~~

10 ~~(3) Food served in disposable wrappers or containers;~~

11 ~~(4) Food is ordered and served at customer service counter;~~

12 ~~(5) Food is paid for prior to consumption;~~

13 ~~(6) Public food service area, including queuing areas and service counters without fixed seats,~~  
14 ~~which counters are designed specifically for the sale and distribution of food and beverages;~~

15 ~~(7) Food available upon a short waiting time.~~

16 ~~It does not include retail grocery stores with accessory take-out food activity, as described in~~  
17 ~~Section 703.2(b)(1)(C) of this Code, self-service specialty food use, as described in Section 790.93 of~~  
18 ~~this Code, or retail uses which sell prepackaged or bulk ready-to-eat foods with no site food~~  
19 ~~preparation area, such as confectionery or produce stores. When a fast food restaurant operates within~~  
20 ~~and in conjunction with another retail use, such as a retail grocery store, the area of the fast food~~  
21 ~~restaurant use shall be measured to include the area devoted to food preparation and service, seating~~  
22 ~~and separate public food service counters, excluding fish, poultry and meat counters.~~

23 ~~(b) It may provide off-site beer, wine and/or liquor sales for consumption off the premises (with~~  
24 ~~ABC licenses 20 or 21) or on-site beer and/or wine sales for drinking on the premises (with ABC~~  
25 ~~licenses 40, 41 or 60). If it serves liquor for drinking on the premises (with ABC licenses 47 or 48) or~~

1 ~~does not admit minors (with ABC licenses 42 or 61), then it shall also be considered a bar, as defined~~  
2 ~~in Section 790.22 of this Code.~~

3 ~~(c) It shall be conducted in accordance with the following conditions:~~

4 ~~(1) All debris boxes shall be kept in enclosed structures.~~

5 ~~(2) The operator shall be responsible for cleaning the sidewalk within a one-block radius daily~~  
6 ~~to maintain the sidewalk free of paper or other litter during its business hours, in accordance with~~  
7 ~~Article 1, Section 34 of the San Francisco Police Code.~~

8 ~~(3) Noise and odors shall be contained within the premises so as not to be a nuisance to nearby~~  
9 ~~residents or neighbors.~~

10 ~~(d) It shall not be required to operate within an enclosed building pursuant to Section~~  
11 ~~703.2(b)(1) so long as it is also a Mobile Food Facility as defined in Section 102.31. Any associated~~  
12 ~~outdoor seating and/or dining area is subject to regulation as an Outdoor Activity Area as set forth~~  
13 ~~elsewhere in this Code.~~

14 A retail eating or eating and drinking use which serves prepared, ready-to-eat cooked foods to  
15 customers for consumption on or off the premises and which has seating. It may have a Take-Out Food  
16 use as defined by Planning Code Section 790.122 as a minor and incidental use. It may provide on-site  
17 beer and/or wine sales for drinking on the premises (with ABC licenses 40, 41 or 60). If it serves liquor  
18 for drinking on the premises (with ABC licenses 47 or 48), or does not admit minors (with ABC licenses  
19 42 or 61), then it shall also be considered a bar, as defined in Section 790.22 of this Code. It is distinct  
20 and separate from the Restaurant-Limited definition, as defined in Sections 790.90 of this Code.

21 It shall not be required to operate within an enclosed building pursuant to Section 703.2(b)(1)  
22 so long as it is also a Mobile Food Facility as defined in Section 102.34. Any associated outdoor  
23 seating and/or dining area is subject to regulation as an Outdoor Activity Area as set forth elsewhere in  
24 this Code.

25 Such businesses shall operate with the specified conditions below:

1           The business operator shall maintain the main entrance to the building and all sidewalks  
2 abutting the subject property in a clean and sanitary condition in compliance with the Department of  
3 Public Works Streets and Sidewalk Maintenance Standards. In addition, the operator shall be  
4 responsible for daily monitoring of the sidewalk within a one-block radius of the subject business to  
5 maintain the sidewalk free of paper or other litter associated with the business during business hours,  
6 in accordance with Article 1, Section 34 of the San Francisco Police Code.

7           For information about compliance, contact Bureau of Street Use and Mapping, Department of  
8 Public Works.

9           When located within an enclosed space, the premises shall be adequately soundproofed or  
10 insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in  
11 other sections of the building and fixed-source equipment noise shall not exceed the decibel levels  
12 specified in the San Francisco Noise Control Ordinance.

13           For information about compliance with the fixed mechanical objects such as rooftop air  
14 conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels,  
15 contact the Environmental Health Section, Department of Public Health.

16           For information about compliance with the construction noise, contact the Department of  
17 Building Inspection.

18           For information about compliance with the amplified sound including music and television  
19 contact the Police Department .

20           While it is inevitable that some low level of odor may be detectable to nearby residents and  
21 passersby, appropriate odor control equipment shall be installed in conformance with the approved  
22 plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

23           For information about compliance with odor or other chemical air pollutants standards, contact  
24 the Bay Area Air Quality Management District, (BAAQMD) and Code Enforcement, Planning  
25 Department.

1 Garbage, recycling, and compost containers shall be kept within the premises and hidden from  
2 public view, and placed outside only when being serviced by the disposal company. Trash shall be  
3 contained and disposed off pursuant to garbage and recycling receptacles guidelines set forth by the  
4 Department of Public Works.

5 For information about compliance, contact Bureau of Street Use and Mapping, Department of  
6 Public Works.

7 **SEC. 790.102. SALES AND SERVICES, OTHER RETAIL.**

8 A retail use which provides goods and/or services but is not listed as a separate zoning  
9 category in zoning category numbers .41 through .63 listed in Article 7 of this Code, including  
10 but not limited to, sale or provision of the following goods and services:

11 (a) General groceries. As used herein, general groceries means:

12 (1) An individual retail food establishment that:

13 (A) Offers a diverse variety of unrelated, non-complementary food and non-food  
14 commodities, such as beverages, dairy, dry goods, fresh produce and other perishable items,  
15 frozen foods, household products, and paper goods;

16 (B) May provide beer, wine, and/or liquor sales for consumption off the premises with a  
17 California Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) or type  
18 21 (off-sale general) within the accessory use limits as set forth in Section 703.2(b)(1)(C)(vi);

19 (C) Prepares minor amounts or no food on-site for immediate consumption; and

20 (D) Markets the majority of its merchandise at retail prices.

21 (b) Specialty groceries. As used herein, specialty groceries means:

22 (1) An individual retail food establishment that:

23 (A) Offers specialty food products, such as baked goods, pasta, cheese, confections,  
24 coffee, meat, seafood, produce, artisanal goods and other specialty food products, and may

1 also offer additional food and non-food commodities related or complementary to the specialty  
2 food products;

3 (B) May provide beer, wine, and/or liquor sales for consumption off the premises with a  
4 California Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) or type  
5 21 (off-sale general) within the accessory use limits as set forth in Section 703.2(b)(1)(C)(vi);

6 (C) Prepare minor food amounts or no food on-site for immediate consumption; and

7 (D) Market the majority of its merchandise at retail prices.

8 (c) Pharmaceutical drugs and personal toiletries;

9 (d) Personal items such as tobacco and magazines;

10 (e) Self-service laundromats and dry cleaning, where no portion of a building occupied  
11 by such use shall have any opening other than fixed windows and exits required by law within  
12 50 feet of any R District;

13 (f) Household goods and service (including paint, fixtures and hardware, but excluding  
14 other building materials);

15 (g) Variety merchandise, pet supply stores and pet grooming services;

16 (h) Florists and plant stores;

17 (i) Apparel and accessories;

18 (j) Antiques, art galleries, art supplies and framing service;

19 (k) Home furnishings, furniture and appliances;

20 (l) Books, stationery, greeting cards, office supplies, copying service, music and  
21 sporting goods; *and*

22 (m) Toys, gifts, and photographic goods and services; *and*

23 ~~(n) Retail coffee stores. As used herein, retail coffee store means:~~

24 ~~(1) A retail drinking use which provides ready-to-drink coffee and/or other nonalcoholic~~  
25 ~~beverages for consumption on or off the premises, which may or may not provide seating. Its intended~~



1 ~~design is not to serve prepared ready to eat food for consumption on or off the premises, except where~~  
2 ~~a conditional use is granted for an exception in the West Portal NCD pursuant to the "Specific~~  
3 ~~Provisions for the West Portal District." Such use exhibits the following characteristics:~~

4 ~~(A) Contains no more than 15 seats with no more than 400 square feet of floor area devoted to~~  
5 ~~seating;~~

6 ~~(B) A limited menu of beverages prepared on the premises and able to be quickly prepared for~~  
7 ~~consumption on or off the premises;~~

8 ~~(C) Beverages served in disposable or nondisposable containers for consumption on or off the~~  
9 ~~premises;~~

10 ~~(D) Beverages are ordered and served at a customer service counter;~~

11 ~~(E) Beverages are paid for prior to consumption;~~

12 ~~(F) Public service area, including queuing areas and service counters, which counters are~~  
13 ~~designed specifically for the sale and distribution of beverages;~~

14 ~~(G) Beverages are available upon a short waiting time;~~

15 ~~(H) Equipment to prepare beverages for consumption;~~

16 ~~(I) Limited amount of nonprepackaged food goods may be served, such as pastries or similar~~  
17 ~~goods;~~

18 ~~(J) No on-site food preparation, and no equipment to cook or reheat food or prepare meals~~  
19 ~~other than that connected to beverage preparation, except where a conditional use is granted for an~~  
20 ~~exception in the West Portal NCD pursuant to the "Specific Provisions for the West Portal District."~~

21 ~~(K) Coffee beans, tea, syrups, herbs and other beverage based products and equipment to make~~  
22 ~~and/or reconstitute beverages or consume coffee, tea and/or other beverages may be sold.~~

23 ~~It may include any use permitted for specialty grocery, as defined in Section 790.102(b), but if~~  
24 ~~so, such use shall not include accessory take-out food activity, as described in Section 703.2(b)(1)(C) of~~  
25 ~~this Code, except to the extent permitted by this Subsection 790.102(n). It is distinct and separate from~~

1 ~~a small self-service or large fast food restaurant, as defined in Section 790.90 and 790.91 of this Code,~~  
2 ~~or a full-service restaurant as defined in Section 790.92 of this Code.~~

3 ~~(2) It shall be conducted in accordance with the following conditions:~~

4 ~~(A) All debris boxes shall be kept in enclosed structures,~~

5 ~~(B) The operator shall be responsible for cleaning the sidewalk in front of or abutting the~~  
6 ~~building to maintain the sidewalk free of paper or other litter during its business hours, in accordance~~  
7 ~~with Article 1, Section 34 of the San Francisco Police Code,~~

8 ~~(C) Noise and odors shall be contained within the premises so as not to be a nuisance to nearby~~  
9 ~~residents or neighbors.~~

10 This Section excludes tourist motels, as distinguished from tourist hotels in Section  
11 790.46 of this Code, amusement game arcades as defined in Section 790.4 of this Code and  
12 household goods self-storage facilities, which are included in storage as defined in Section  
13 790.117 of this Code. It also excludes the sale of heating fuel and the sale or rental of  
14 commercial equipment (excluding office equipment) and construction materials, other than  
15 paint, fixtures and hardware.

16 **SEC. 803.2. USES PERMITTED IN CHINATOWN MIXED USE DISTRICTS.**

17 A use is the specific purpose for which a property or building is used, occupied,  
18 maintained, or leased. Whether or not a use is permitted in a specific Chinatown Mixed Use  
19 District is set forth, summarized or cross-referenced in Sections 810.1 through 812.96 of this  
20 Code for each district class.

21 (a) **Use Categories.** The uses, functions, or activities, which are permitted in each  
22 Chinatown Mixed Use District class include those listed in Table 803.2 below by zoning  
23 control category and numbered and cross-referenced to the Code Section containing the  
24 definition.

**TABLE 803.2 USE CATEGORIES PERMITTED IN THE  
CHINATOWN MIXED USE DISTRICTS**

803.2.41	Bar	§ <del>890.22</del> <u>790.22</u>
<del>803.2.42</del>	<del>Full-Service Restaurant</del>	§ 890.92
803.2.43	<del>Fast Food</del> <u>Limited</u> -Restaurant – <i>Small</i>	§ <del>890.90</del> <u>790.90</u>
803.2.44	<del>Fast Food</del> -Restaurant – <i>Large</i>	§ <del>890.91</del> <u>790.91</u>
<del>803.2.45</del>	<del>Take-Out Food</del>	§ <del>890.122</del>

**SEC. 803.6. FORMULA RETAIL USES IN THE CHINATOWN MIXED USE DISTRICTS  
AND IN THE WESTERN SOMA PLANNING AREA SPECIAL USE DISTRICT. 1**

**(b) Formula Retail Uses.**

(1) **Formula Retail Uses Permitted as a Conditional Use.** Formula retail uses are permitted in the Western SoMA Planning Area Special Use District, the Chinatown Community Business District and the Chinatown Residential Neighborhood Commercial District only as a conditional use. When considering an application for a conditional use permit under this Section, the Planning Commission shall consider the criteria defined in Section 303(i) of this Code.

(2) **Formula Retail Uses Prohibited.** The establishment of new formula retail uses in the Chinatown Visitor Retail District is prohibited. *The establishment of new Restaurant or Limited-Restaurant uses that are also defined as formula retail in any Chinatown Mixed Use Districts is prohibited.*

(c) **Formula Retail Use Defined.** Formula retail use is hereby defined as a type of retail sales activity or retail sales establishment which, along with eleven or more other retail sales

1 establishments located in the United States, maintains two or more of the following features: a  
2 standardized array of merchandise, a standardized façade, a standardized décor and color  
3 scheme, a uniform apparel, standardized signage, a trademark or a servicemark.

4 **SEC. 810.1. CHINATOWN COMMUNITY BUSINESS DISTRICT.**

5 The Chinatown Community Business District, located in the northeast quadrant of San  
6 Francisco, extends along Broadway from the eastern portal of the Broadway Tunnel to  
7 Columbus Avenue and along Kearny Street from Columbus to Sacramento Street. This district  
8 also includes portions of Commercial Street between Montgomery Street and Grant Avenue  
9 and portions of Grant Avenue between Bush and California Streets. It is part of the larger core  
10 area of Chinatown.

11 The portions of Broadway, Kearny and Commercial Streets and Grant Avenue in this  
12 district are transitional edges or entries to Chinatown. North and east of the two blocks of  
13 Broadway contained in this district are North Beach and the Broadway Entertainment Districts.  
14 Kearny and Columbus Streets are close to intensive office development in the Downtown  
15 Financial District. Both Grant Avenue and Commercial Street provide important pedestrian  
16 entries to Chinatown. Generally, this district has more potential for added retail and  
17 commercial development than other parts of Chinatown.

18 This zoning district is intended to protect existing housing, encourage new housing and  
19 to accommodate modest expansion of Chinatown business activities as well as street-level  
20 retail uses. The size of individual professional or business office use is limited in order to  
21 prevent these areas from being used to accommodate larger office uses spilling over from the  
22 financial district.

23 Housing development in new buildings is encouraged at upper stories. Existing housing  
24 is protected by limitations on demolitions and upper-story conversions.

25 **Table 810**

**CHINATOWN COMMUNITY BUSINESS DISTRICT**

**ZONING CONTROL TABLE**

			<b>Chinatown Community Business District</b>		
			<b>Controls by Story</b>		
			<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
<b>No.</b>	<b>Zoning Category</b>	<b>§ References</b>			

41	Bar	§ <del>890.22-790.22</del>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>
<del>.42</del>	<del>Full Service Restaurant</del>	<del>§ 890.92</del>	<u>P</u>	<u>P</u>	<u>P</u>
.43	<del>Fast Food Limited- Restaurant (Small)</del>	§ <del>890.90-790.90</del>	<u>€</u> <u>P</u>	<u>€</u> <u>P</u>	<u>€</u> <u>P</u>
.44	Fast Food Restaurant (Large)	§ <del>890.91-790.91</del>	<u>C</u>	<u>C</u>	<u>C</u>
<del>.45</del>	<del>Take-Out Food</del>	<del>§ 890.122</del>	<u>€</u>	<u>€</u>	-

**SEC. 811.1. CHINATOWN VISITOR RETAIL DISTRICT.**

The Chinatown Visitor Retail Neighborhood Commercial District extends along Grant Avenue between California and Jackson Streets. This district contains a concentration of shopping bazaars, art goods stores and restaurants which attract visitors and shoppers and contribute to the City's visual and economic diversity. Grant Avenue provides an important link between Downtown retail shopping and the Broadway, North Beach and Fisherman's Wharf areas.

1 This district is intended to preserve the street's present character and scale and to  
 2 accommodate uses primarily appealing to visitors (e.g. tourist gifts shops, jewelry stores, art  
 3 goods, large restaurants. In order to promote continuous retail frontage, entertainment,  
 4 financial services, medical service, automotive and drive-up uses are restricted. Most  
 5 commercial uses, except financial services are permitted on the first two stories.  
 6 Administrative services, (those not serving the public) are prohibited in order to prevent  
 7 encroachment from downtown office uses. There are also special controls on fast-food  
 8 restaurants and tourist hotels. Building standards protect and complement the existing small-  
 9 scale development and the historic character of the area.

10 The height limit applicable to the district will accommodate two floors of housing or  
 11 institutional use above two floors of retail use. Existing residential units are protected by  
 12 prohibition of upper-story conversions and limitation on demolition.

13 **Table 811**

14 **CHINATOWN VISITOR RETAIL DISTRICT**  
 15 **ZONING CONTROL TABLE**

			Chinatown Visitor Retail District		
			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
.41	Bar	§ 890.22	<u>PC</u>	<u>PC</u>	
.42	<i>Full Service Restaurant</i>	§ 890.92	<u>P</u>	<u>P</u>	

1	.43	<i>Fast Food Limited- Restaurant (Small)</i>	§ <del>890.90-790.90</del>	<u>CP</u>	<u>CP</u>	
2	.44	<i>Fast Food Restaurant (Large)</i>	§ <del>890.91-790.91</del>	<u>C</u>	<u>C</u>	
3						
4	.45	<i>Take-Out Food</i>	§ <del>890.122</del>	<u>P</u>	<u>P</u>	
5						

6 **SEC. 812.1. CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT.**

7 The Chinatown Residential Neighborhood Commercial District extends along Stockton  
8 Street between Sacramento and Broadway and along Powell Street between Washington  
9 Street and Broadway. It is generally west and uphill from Grant Avenue and is close to the  
10 relatively intensely developed residential areas of lower Nob and Russian Hills. Stockton  
11 Street is a major transit corridor which serves as "Main Street" for the Chinatown  
12 neighborhood. Both Stockton and Powell Streets contain a significant amount of housing as  
13 well as major community institutions supportive to Chinatown and the larger Chinese  
14 community. This daytime-oriented district provides local and regional specialty food shopping  
15 for fresh vegetables, poultry, fish and meat. Weekends are this area's busiest shopping days.

16 Because Stockton Street is intended to remain principally in its present character, the  
17 Stockton Street controls are designed to preserve neighborhood-serving uses and protect the  
18 residential livability of the area. The controls promote new residential development compatible  
19 with existing small-scale mixed-use character of the area. Consistent with the residential  
20 character of the area, commercial development is directed to the ground story. Daytime-  
21 oriented use is protected and tourist-related uses, fast-food restaurants and financial services  
22 are limited.

23 Housing development in new and existing buildings is encouraged above the ground  
24 floor. Institutional uses are also encouraged. Existing residential units are protected by limits  
25 on demolition and conversion.

Table 812

**CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT  
ZONING CONTROL TABLE**

			Chinatown Residential Neighborhood Commercial District		
			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
.41	Bar	§ <del>890.22</del> <u>790.22</u>	C		
.42	<i>Full Service Restaurant</i>	§ <del>890.92</del>	<i>P</i>		
.43	<i>Fast Food Limited-Restaurant (Small)</i>	§ <del>890.90</del> <u>790.90</u>	C		
.44	<i>Fast Food Restaurant (Large)</i>	§ <del>890.91</del> <u>790.91</u>	C		

**SEC. 814. SPD - SOUTH PARK DISTRICT.**

South Park is an attractive affordable mixed-use neighborhood. The South Park District (SPD) is intended to preserve the scale, density and mix of commercial and residential activities within this unique neighborhood. The district is characterized by small-scale, continuous-frontage warehouse, retail and residential structures built in a ring around an oval-shaped, grassy park. Retention of the existing structures is encouraged, as is a continued mix of uses, family-sized housing units, and in-fill development which contributes positively to the neighborhood scale and use mix.

Most retail, general commercial, office, service/light industrial, arts, live/work and residential activities are permitted. Group housing, social services, and other institutional uses



1 are conditional uses. Hotels, motels, movie theaters, adult entertainment and nighttime  
2 entertainment are not permitted.

3 **Table 814**

4 **SPD - SOUTH PARK DISTRICT**  
5 **ZONING CONTROL TABLE**

6

		South Park District	
No.	Zoning Category	§ References	Controls
814.32	Bar	§ <del>890.22</del> -790.22	C up to 5,000 sf per lot

7

8

9

10 **SEC. 815. RSD - RESIDENTIAL/SERVICE MIXED USE DISTRICT.**

11 The Residential/Service Mixed Use District (RSD) runs along Harrison St. between 4th  
12 St. and 5th St. The RSD serves as a housing opportunity area within the South of Market  
13 Mixed Use Districts. The district controls are intended to facilitate the development of high-  
14 density, mid-rise housing, including residential hotels and live/work units, while also  
15 encouraging the expansion of retail, business service and commercial and cultural arts  
16 activities.

17 Residential hotels are subject to flexible standards for parking, rear yard/open space  
18 and density. Continuous ground floor commercial frontage with pedestrian-oriented retail  
19 activities along major thoroughfares is encouraged.

20 General office, hotels, nighttime entertainment, adult entertainment, massage  
21 establishment, movie theaters and heavy industrial uses are not permitted, except that  
22 massages services are authorized as a conditional use in the Residential/Service Mixed Use  
23 District when provided in conjunction with full-service spa services.

Table 815

RSD - RESIDENTIAL/SERVICE MIXED USE DISTRICT

ZONING CONTROL TABLE

			Residential/Service Mixed Use Districts
No.	Zoning Category	§ References	Controls
815.31	All Retail Sales and Services which are not Office Uses or prohibited by § 803.4, including Bars, <i>Full Service and Fast Food Limited -Restaurants,</i> Restaurants, <i>Take-Out Food Services,</i> and Personal Services	§ 890.104	P, pursuant to § 803.8(c)

SEC. 816. SLR - SERVICE/LIGHT INDUSTRIAL/RESIDENTIAL MIXED USE DISTRICT.

The Service/Light Industrial/Residential (SLR) Mixed Use District is designed to maintain and facilitate the growth and expansion of small-scale light industrial, home and business service, wholesale distribution, arts production and performance/exhibition activities, live/work use, general commercial and neighborhood-serving retail and personal service activities while protecting existing housing and encouraging the development of housing and live/work space at a scale and density compatible with the existing neighborhood.

Housing and live/work units are encouraged over ground floor commercial/service/light industrial activity. New residential or mixed use developments are encouraged to provide as much mixed-income rental housing as possible. Existing group housing and dwelling units

1 would be protected from demolition or conversion to nonresidential use by requiring  
 2 conditional use review.

3 General office, hotels, nighttime entertainment, movie theaters, adult entertainment and  
 4 heavy industrial uses are not permitted.

5 **Table 816**

6 **SLR - SERVICE/LIGHT INDUSTRIAL/RESIDENTIAL MIXED USED DISTRICT**  
 7 **ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Service/Light Industrial/ Residential Mixed Use District
816.31	All Retail Sales and Services which are not Office Uses or prohibited by § 803.4, including Bars, <i>Full Service and Fast-Food Limited - Restaurants</i> , Restaurants, <i>Take-Out Food Services</i> , and Personal Services	§ 890.104	P

20 **SEC. 817. SLI - SERVICE/LIGHT INDUSTRIAL DISTRICT.**

21 The Service/Light Industrial (SLI) District is designed to protect and facilitate the  
 22 expansion of existing general commercial, manufacturing, home and business service,  
 23 live/work use, arts uses, light industrial activities and small design professional office firms.  
 24 Existing group housing and dwelling units are protected from demolition or conversion to  
 25 nonresidential use and development of group housing and low-income affordable dwelling

1 units are permitted as a conditional use. General office, hotels, movie theaters, nighttime  
 2 entertainment and adult entertainment uses are not permitted.

3 **Table 817**

4 **SLI - SERVICE/LIGHT INDUSTRIAL DISTRICT**

5 **ZONING CONTROL TABLE**

			<b>Service/Light Industrial District</b>
<b>No.</b>	<b>Zoning Category</b>	<b>§ References</b>	<b>Controls</b>
817.31	All Retail Sales and Services which are not Office Uses or prohibited by § 803.4, including Bars, <i>Full Service and Fast Food Limited - Restaurants</i> , Restaurants, <i>Take Out Food Services</i> , and Personal Services	§ 890.104	P

17 **SEC. 818. SSO - SERVICE/SECONDARY OFFICE DISTRICT.**

18 The Service/Secondary Office District (SSO) is designed to accommodate small-scale  
 19 light industrial, home and business services, arts activities, live/work units, and small-scale,  
 20 professional office space and large-floor-plate "back office" space for sales and clerical work  
 21 forces. Nighttime entertainment is permitted as a conditional use. Dwelling units and group  
 22 housing are permitted as conditional uses. Demolition or conversion of existing group housing  
 23 or dwelling units requires conditional use authorization.

Office, general commercial, most retail, service and light industrial uses are principal permitted uses. Large hotel, movie theater, adult entertainment and heavy industrial uses are not permitted.

Small hotels of 75 rooms or less are permitted in this District only as a conditional use. Any such conditional use authorization requires a conditional use finding that disallows project proposals that displace existing Production, Distribution and Repair (PDR) uses.

**Table 818**

**SSO - SERVICE/SECONDARY OFFICE DISTRICT**

**ZONING CONTROL TABLE**

			Service/Secondary Office District
No.	Zoning Category	§ References	Controls
818.31	All Retail Sales and Services which are not Office Uses or prohibited by § 803.4, including Bars, <i>Full Service and Fast Food Limited - Restaurants</i> , Restaurants, <i>Take Out Food Services</i> , and Personal Services	§ 890.104	P

**SEC. 840. MUG - MIXED USE - GENERAL DISTRICT.**

1 The Mixed Use - General (MUG) District is largely comprised of the low-scale,  
 2 production, distribution, and repair uses mixed with housing and small-scale retail. The MUG  
 3 is designed to maintain and facilitate the growth and expansion of small-scale light industrial,  
 4 wholesale distribution, arts production and performance/exhibition activities, general  
 5 commercial and neighborhood-serving retail and personal service activities while protecting  
 6 existing housing and encouraging the development of housing at a scale and density  
 7 compatible with the existing neighborhood.

8 Housing is encouraged over ground floor commercial and production, distribution, and  
 9 repair uses. New residential or mixed use developments are encouraged to provide as much  
 10 mixed-income family housing as possible. Existing group housing and dwelling units would be  
 11 protected from demolition or conversion to nonresidential use by requiring conditional use  
 12 review.

13 Hotels, nighttime entertainment, movie theaters, adult entertainment and heavy  
 14 industrial uses are not permitted. Office is restricted to the upper floors of multiple story  
 15 buildings.

16 **Table 840**  
 17 **MUG - MIXED USE - GENERAL DISTRICT**  
 18 **ZONING CONTROL TABLE**

			<b>Mixed Use - General District</b>
<b>No.</b>	<b>Zoning Category</b>	<b>§ References</b>	<b>Controls</b>
840.47	Bar	§ <del>890.22</del> <u>790.22</u>	C. If approved, subject to size controls in Section


			840.45.
--	--	--	---------

Section 4. This Section is uncodified.

In enacting this Ordinance, the Board intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams, or any other constituent part of the Planning Code that are explicitly shown in this legislation as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the legislation. This Ordinance shall not be construed to effectuate any unintended amendments. Any additions or deletions not explicitly shown as described above, omissions, or other technical and non-substantive differences between this Ordinance and the Planning Code that are contained in this legislation are purely accidental and shall not effectuate an amendment to the Planning Code. The Board hereby authorizes the City Attorney, in consultation with the Clerk and other affected City departments, to make those necessary adjustments to the published Planning Code, including non-substantive changes such as renumbering or relettering, to ensure that the published version of the Planning Code is consistent with the laws that this Board enacts.

Section 5. Effective Date. This ordinance shall become effective 30 days from the date of passage.

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

By:   
JUDITH A. BOYAJIAN  
Deputy City Attorney

**LEGISLATIVE DIGEST**

[Planning Code - Eating and Drinking Establishment Definitions and Controls]

**Ordinance deleting and amending various sections of the San Francisco Planning Code to: 1) simplify and consolidate eating and drinking establishment definitions, and subject the newly-defined uses to Section 312 notification and Formula Retail controls; and 2) adopting environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.**

Existing Law

Planning Code Section 145.4 deals with required ground floor commercial uses, Section 249.40A establishes the SOMA Youth and Family Special Use District. Section 249.60 establishes the Mission Alcoholic Beverage Special Use District. Section 303 sets forth the procedures and requirements for a conditional use, including specific criteria to be applied in authorizing specific uses. Section 312(c) requires public notice to be given for certain changes of use.

Article 7 of the Planning Code deals with Neighborhood Commercial Districts (NCDs). Section 702.3 lists the Neighborhood Commercial Restricted Use Subdistricts. Section 703.2 sets forth the uses permitted in NCDs. Section 703.3(c) sets forth the types of uses that are included within the definition of Formula Retail. The Zoning Control Tables in Sections 710 through 737 establish zoning controls for the various NCDs. Section 780.3 establishes the North Beach Special Use District; Section 781.1 references the 17<sup>th</sup> and Rhode Island Street Grocery Store Special Use Subdistrict and is a duplicate of Section 781.10; Section 781.2 establishes the Irving Street Restaurant and Fast-Food Subdistrict; Section 781.5 establishes the Mission Street Fast-Food Subdistrict; Section 781.9 establishes the Haight Street Alcohol Restricted Use Subdistrict; and Section 787 establishes the 1800 Market Street Community Center Project Special Use District. Section 790.22 defines a bar; Section 790.34 defines an Eating and Drinking Use, Section 790.90 defines a Large Fast Food Restaurant; Section 790.91 defines a Small Self-Service Restaurant; Section 790.92 defines a Full-Service Restaurant; Section 790.93 defines a Self-Service Special Food use; and Section 790.102 defines a variety of retail sales and services, including Retail Coffee Stores Sales and Services; and Section 790.135 defines a video store.

Article 8 of the Planning Code deals with Mixed Use Districts. Section 803.2 sets forth the uses permitted in the Mixed Use Districts. The Zoning Control Tables in Sections 810.1 through 818 and Section 840 establish zoning controls for various Mixed Use Districts. Section 890.22 defines a bar; Section 890.34 defines an eating and drinking use; Section 890.90 defines a Large Fast Food Restaurant; Section 890.91 defines a Small Self-Service Restaurant; Section 890.92 defines a Full-Service Restaurant; and Section 890.122 defines take-out food.



### Amendments to Current Law

The various Zoning Control Tables and definitions in Articles 7 and 8 are amended to simplify and consolidate eating and drinking definitions; conforming changes are made to the Table in Section 145.4 and to Section 249.40A. A Video Store is no longer a separate use in the Article 7 Tables. Section 303 is amended to establish specific conditional use criteria for eating and drinking uses. Sections 312(c) and 703.3(c) are amended to subject the new definitions to Section 312 notification requirements and formula retail controls. Section 702.3 is amended to update the names of NCD Restricted Use Subdistricts. Section 781.1 previously established the Taraval Street Restaurant and Fast-Food Subdistrict; it was deleted from the Code in error in a previous ordinance and is being added back and amended to conform with the new eating and drinking definitions.

### Background Information

The Neighborhood Commercial and Mixed Use District controls separately define several types of eating and drinking uses. In 2000, a Video Store was defined as a separate use and made a conditional use in all Neighborhood Commercial Districts. The Planning Code's first Formula Retail controls were established in 2004. In 2006, voters approved Proposition G, which made Formula Retail Uses a conditional use in all Neighborhood Commercial Districts.

In 2009, the Planning Department completed the NC@20 report, which examined the nature and impacts of the Neighborhood Commercial zoning over the previous two decades, and made recommendations. Two of the principal recommendations of the NC@20 report were to bolster small businesses and overhaul regulations for eating and drinking uses. This ordinance advances both of those recommendations. NC@20 notes that the distinctions between eating uses are both difficult to enforce and may no longer be relevant. In addition, some of the categories were intended – at least in part - to deal with chain stores. The onset of formula retail controls, along with the earlier advent of micro-sized chain stores, precludes this distinction. Non-residential use size controls, which are independent of controls for food and drink uses, along with neighborhood notification processes and conditional use requirements adequately address this issue. NC@20 acknowledges that restaurant uses can impact neighbors, and recommends that Good Neighbor Policies be established for these uses. This ordinance addresses mechanical noise and vibration from restaurant machinery, like refrigerators, ice machines, and other equipment which, when poorly designed or located in rear yards, can disturb residents living above or behind restaurants at all hours. The ordinance requires that mechanical noise and vibration be confined to the premises. Noise from outdoor seating is regulated through existing controls on Outdoor Activity Areas.

FILE NO. 120084

In the decade since Video Store controls were enacted, the video store industry has been transformed by the Internet, and formula retail controls have been established and extended to all NC districts. As of January 2011, the country's largest video store chain is in bankruptcy protection, and the second largest is in liquidation. This ordinance will permit locally-owned, neighborhood video stores to form, grow, and relocate without conditional use authorization in certain NC districts, while retaining conditional use requirements for formula retail video stores.

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

February 15, 2011

Planning Commission  
Attn: Linda Avery  
1660 Mission Street, 5<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Commissioners:

On February 8, 2011, Supervisor Mirkarimi introduced the following proposed legislation:

**File No. 110152**

Ordinance amending the San Francisco Planning Code by amending Sections 710, 730, 733A, 733A.1, 790.90, 790.91, and 790.102 of the Planning Code to: (1) increase the maximum use size for Small Self-Service Restaurants in Neighborhood Commercial Districts to that of the non-residential use size limit for the district and eliminate the limit on the number of seats; (2) increase the minimum size for Large Self-Service Restaurants in Neighborhood Commercial Districts to that of the non-residential use size limit for the district; (3) principally permit Small Self-Service Restaurants and Video Stores in Neighborhood Commercial Cluster (NC-1) and Neighborhood Commercial Transit Cluster (NCT-1) Districts; (4) conditionally permit Large Self-Service Restaurants in the Inner Sunset Neighborhood Commercial District; (5) require that mechanical noise and vibration from Self-Service Restaurants be confined to the premises; and (6) remove the prohibition of on-site food preparation and cooking and reheating equipment in Retail Coffee Stores; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

The proposed ordinance is being transmitted pursuant to Planning Code Section 302(b) for public hearing and recommendation. The ordinance is pending before the Land Use & Economic Development Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Somera".

By: Alisa Somera, Committee Clerk  
Land Use & Economic Development Committee

Attachment

c: John Rahaim, Director of Planning  
Scott Sanchez, Zoning Administrator  
Bill Wycko, Chief, Major Environmental Analysis  
AnMarie Rodgers, Legislative Affairs  
Nannie Turrell, Major Environmental Analysis  
Brett Bollinger, Major Environmental Analysis

*Not a project, per CEQA Guidelines  
Sections 15060(c)(3) and  
15378.*

*Nannie Turrell  
February 18, 2011*



## SAN FRANCISCO PLANNING DEPARTMENT

---

November 18, 2011

Ms. Angela Calvillo, Clerk  
Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

**Re: Transmittal of Board File No. 110152; Planning Case No. 2011.0172T  
Self-Service Restaurants, Retail Coffee Stores, and Video Stores  
Planning Commission Recommendation: *Approval with modifications***

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

Dear Ms. Calvillo; Supervisor Wiener; and Supervisor Mirkarimi:

On November 17, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Supervisor Mirkarimi and now cosponsored by Supervisor Wiener.

The proposed Ordinance would amend Sections 710, 730, 733A, 733A.1, 790.90, 790.91, and 790.102 of the Planning Code to: (1) increase the maximum use size for Small Self-Service Restaurants in Neighborhood Commercial Districts to that of the non-residential use size limit for the district and eliminate the limit on the number of seats; (2) increase the minimum size for Large Self-Service Restaurants in Neighborhood Commercial Districts to that of the non-residential use size limit for the district; (3) principally permit Small Self-Service Restaurants and Video Stores in Neighborhood Commercial Cluster (NC-1) and Neighborhood Commercial Transit Cluster (NCT-1) Districts; (4) conditionally permit Large Self-Service Restaurants in the Inner Sunset Neighborhood Commercial District; (5) require that mechanical noise and vibration from Self-Service Restaurants be confined to the premises; and (6) remove the prohibition of on-site food preparation and cooking and reheating equipment in Retail Coffee Stores.


The proposal to amend Planning Code Sections 710, 730, 733A, 733A.1, 790.90, 790.91, and 790.102 would result in no physical impact on the environment. The proposed amendment is exempt from environmental review under Section 15060(c)(2) of the CEQA Guidelines.

At the November 17 hearing, the Commission adopted Resolution Number 18497 with a recommendation of approval with modifications to the Board of Supervisors for the proposed ordinance.

Specifically, the Commission recommended that the Board of Supervisors modify Supervisor Mirkarimi's proposed Ordinance [Board File No. 110152] by incorporating the changes proposed by the Planning Commission, which are outlined in the attached draft ordinance identified as Exhibit A, and that the proposed Ordinance be further amended to include provisions that subject the proposed new definitions to Planning Code 312 Notification requirements as well as Formula Retail Controls.

The Department recommends that the legislative sponsors advise the City Attorney at your earliest convenience if you wish to incorporate any changes recommended by the Commission. One hard-copy is being delivered to the Clerk of the Board for the official record. This electronic copy is our transmittal. Per Ordinance Number 316-10, the Planning Department provides only one hard-copy of this report and provides e-copies to other parties. Additional hardcopies may be provided upon request. Attached are documents relating to the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,



AnMarie Rodgers  
Manager of Legislative Affairs

cc: Supervisor Ross Mirkarimi and Supervisor Scott Weiner

Attachments [one copy of each of the following]  
Planning Commission Resolution Number 18497  
Exhibit A Draft Ordinance  
Planning Commission Executive Summary



# SAN FRANCISCO PLANNING DEPARTMENT

---

## Planning Commission Resolution No. 18497 HEARING DATE OCTOBER NOVEMBER 17, 2011

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

*Project Name:* Amendments relating to the Neighborhood Commercial Districts:  
Self-Service Restaurants, Retail Coffee Stores, and Video Stores

*Case Number:* 2011.0172T [Board File No. 11-0152]

*Initiated by:* Supervisor Mirkarimi/ Introduced February 8, 2011

*Staff Contact:* Aaron Starr, Legislative Affairs  
aaron.starr@sfgov.org, 415-558-6362

*Reviewed by:* AnMarie Rodgers, Manager Legislative Affairs  
anmarie.rodgers@sfgov.org, 415-558-6395

*Recommendation:* **Recommend Approval with Modifications**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND PLANNING CODE SECTION SECTIONS 710, 730, 733A, 733A.1, 790.90, 790.91, AND 790.102 OF THE PLANNING CODE TO: (1) INCREASE THE MAXIMUM USE SIZE FOR SMALL SELF-SERVICE RESTAURANTS IN NEIGHBORHOOD COMMERCIAL DISTRICTS TO THAT OF THE NONRESIDENTIAL USE SIZE LIMIT FOR THE DISTRICT AND ELIMINATE THE LIMIT ON THE NUMBER OF SEATS; (2) INCREASE THE MINIMUM SIZE FOR LARGE SELF-SERVICE RESTAURANTS IN NEIGHBORHOOD COMMERCIAL DISTRICTS TO THAT OF THE NON-RESIDENTIAL USE SIZE LIMIT FOR THE DISTRICT; (3) PRINCIPALLY PERMIT SMALL SELF-SERVICE RESTAURANTS AND VIDEO STORES IN NEIGHBORHOOD COMMERCIAL CLUSTER (NC-1) AND NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER (NCT-1) DISTRICTS; (4) CONDITIONALLY PERMIT LARGE SELF-SERVICE RESTAURANTS IN THE INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT; (5) REQUIRE THAT MECHANICAL NOISE AND VIBRATION FROM SELF-SERVICE RESTAURANTS BE CONFINED TO THE PREMISES; AND (6) REMOVE THE PROHIBITION OF ON-SITE FOOD PREPARATION AND COOKING AND REHEATING EQUIPMENT IN RETAIL COFFEE STORES, AND ADOPT CERTAIN MODIFICATIONS TO THE PROPOSED ORDINANCE TO FURTHER SIMPLIFY EXISTING PLANNING CODE DEFINITIONS AND CONTROLS FOR FOOD AND DRINK ESTABLISHMENTS, ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.

WHEREAS, on February 8, 2011, Supervisors Mirkarimi introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 11-0152 which would amend Sections 710, 730, 733A, 733A.1, 790.90, 790.91, and 790.102 of the Planning Code to: (1) increase the maximum use size for Small Self-Service Restaurants in Neighborhood Commercial Districts to that of the nonresidential use size limit for the district and eliminate the limit on the number of seats; (2) increase the minimum size for Large Self-Service Restaurants in Neighborhood Commercial Districts to that of the non-residential use size limit for the district; (3) principally permit Small Self-Service Restaurants and Video Stores in

Neighborhood Commercial Cluster (NC-1) and Neighborhood Commercial Transit Cluster (NCT-1) Districts; (4) conditionally permit Large Self- Service Restaurants in the Inner Sunset Neighborhood Commercial District; (5) require that mechanical noise and vibration from Self-Service Restaurants be confined to the premises; and (6) remove the prohibition of on-site food preparation and cooking and reheating equipment in Retail Coffee Stores.

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on May 26, 2011; and,

WHEREAS, The Commission continued the item at its May 26, 2011 hearing to October 6, 2011 in order for Supervisor Mirkirimi to conduct more public outreach; and,

WHEREAS, The Commission continued the item at its October 6, 2011 to November 17, 2011 in order for Supervisor Mirkirimi to conduct more public outreach; and,

WHEREAS, The Commission conducted another duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on November 17, 2011; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c); and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors **approve with modifications** the proposed ordinance. Specifically, the Commission recommends the following modifications:

- Recommend that the Board of Supervisors adopt the changes proposed by the Planning Department, which are outlined in the attached draft ordinance identified as Exhibit A, and that the proposed Ordinance be further amended to include provisions that subject the proposed new definitions to Planning Code 312 Notification requirements as well as Formula Retail Controls.

## FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. A review of Neighborhood Commercial District controls 20 years after being adopted titled "NC@20" recommended that existing restaurant definitions be reevaluated based on changes that have occurred to the Planning Code since those controls were adopted.
2. The existing restaurant definitions were devised to help stop the displacement of neighborhood serving retail uses and the proliferation of large chain fast-food restaurants. Since then, 312 Neighborhood Notification and Formula Retail Controls were added to the Planning Code and more appropriate address these issues and concerns.
3. Existing restaurant definitions are overly prescriptive and restrict how restaurants can operate without a clear land use benefit. Enforcement of these definitions is often difficult and ineffective.
4. Grouping restaurant types by alcohol license type and including operational conditions within the Planning Code is a more effective way to address the land use and quality of life impacts caused by restaurants.
5. Non-Residential Use Size controls that are tailored to individual neighborhoods provide adequate protection from over-sized restaurant uses.
6. Video stores are becoming obsolete due to on-demand video through cable providers and other internet based video delivery systems. Having a separate use category for Video Stores is no longer necessary.
7. **General Plan Compliance.** The proposed Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan:

**I. COMMERCE & INDUSTRY ELEMENT**

THE COMMERCE AND INDUSTRY ELEMENT OF THE GENERAL PLAN SETS FORTH OBJECTIVES AND POLICIES THAT ADDRESS THE BROAD RANGE OF ECONOMIC ACTIVITIES, FACILITIES, AND SUPPORT SYSTEMS THAT CONSTITUTE SAN FRANCISCO'S EMPLOYMENT AND SERVICE BASE.

**GOALS**

THE THREE GOALS OF THE COMMERCE AND INDUSTRY ELEMENT OF THE GENERAL PLAN RELATE TO CONTINUED ECONOMIC VITALITY, SOCIAL EQUITY, AND ENVIRONMENTAL QUALITY.

**OBJECTIVE 1**

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT

**POLICY 1.2**

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.



*The changes to the proposed Ordinance by the Planning Commission include minimum and reasonable performance standards for restaurants and bars.*

**OBJECTIVE 3**

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

**POLICY 3.1**

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

*Restaurants tend to employ unskilled and semi-skilled labor. The proposed changes to the restaurant definitions will make it easier to open and operate a restaurant which will attract, retain and expand a commercial use.*

**OBJECTIVE 6**

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

**POLICY 6.2**

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society.

**POLICY 6.3**

Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of existing affordable housing and needed expansion of commercial activity.

**POLICY 6.10**

Promote neighborhood commercial revitalization, including community-based and other economic development efforts where feasible.

*The existing controls are too prescriptive and often stifle new or emerging business models. These amendments will help foster small business enterprise and entrepreneurship by allowing more flexibility and creativity in how restaurants are run and operated. Integrating standardized operational conditions into the new eating and drinking definitions will help ensure that there is a balance between new or expanded commercial activity and residential uses in Neighborhood Commercial Districts. The proposed amendments will also help spur commercial revitalization in some neighborhood commercial districts by reducing the barriers for new restaurants to open and existing restaurants to adapt to a changing market place.*

8. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

*The proposed amendments will encourage neighborhood-serving retail uses and opportunities for employment in or ownership of such businesses in the City by making it easier for new restaurants to open and operate and for existing restaurants to adapt to a changing marketplace.*

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

*The proposed amendments will not have an impact on housing in Neighborhood Commercial Districts. Controls are in place in section 317 of the Planning Code that severely restricts the conversion of housing units to commercial units.*

3. That the City's supply of affordable housing be preserved and enhanced;

*The proposed amendments will have no adverse effect on the City's supply of affordable housing.*

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

*The proposed amendments will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.*

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

*The proposed amendments would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.*

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

*Preparedness against injury and loss of life in an earthquake is unaffected by the proposed amendments. Any new construction or alteration associated with a use would be executed in compliance with all applicable construction and safety measures.*

7. That the landmarks and historic buildings be preserved;

*Landmarks and historic buildings would be unaffected by the proposed amendments. Should a proposed use be located within a landmark or historic building, such site would be evaluated under Planning Code provisions and comprehensive Planning Department policies.*

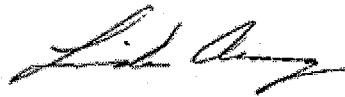
8. That our parks and open space and their access to sunlight and vistas be protected from development;

*The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed amendments. It is not anticipated that permits would be such that sunlight access, to public or private property, would be adversely impacted.*

8. **Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance as described in this Resolution and in the proposed Ordinance with the modification outlined above.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on November 17, 2011.



Linda D. Avery  
Commission Secretary

AYES: Olague, Miguel, Antonini, Fong, Moore, and Sugaya

NOES:

ABSENT: Borden

ADOPTED: November 17, 2011



# SAN FRANCISCO PLANNING DEPARTMENT

---

## Executive Summary Planning Code Text Change HEARING DATE: MAY 26, 2011

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

*Project Name:* Amendments relating to the Neighborhood Commercial Districts (NCD):  
Self-Service Restaurants, Retail Coffee Stores, and Video Stores

*Case Number:* 2011.0172I [Board File No. 11-0152]

*Initiated by:* Supervisor Mirkarimi/ Introduced February 8, 2011

*Staff Contact:* Aaron Starr, Legislative Affairs  
aaron.starr@sfgov.org, 415-558-6362

*Reviewed by:* AnMarie Rodgers, Manager Legislative Affairs  
anmarie.rodgers@sfgov.org, 415-558-6395

*Recommendation:* **Recommend Approval with Modifications**

### PLANNING CODE AMENDMENT

The proposed Ordinance would amend Sections 710, 730, 733A, 733A.1, 790.90, 790.91, and 790.102 of the Planning Code to: (1) increase the maximum use size for Small Self-Service Restaurants in Neighborhood Commercial Districts to that of the non-residential use size limit for the district and eliminate the limit on the number of seats; (2) increase the minimum size for Large Self-Service Restaurants in Neighborhood Commercial Districts to that of the non-residential use size limit for the district; (3) principally permit Small Self-Service Restaurants and Video Stores in Neighborhood Commercial Cluster (NC-1) and Neighborhood Commercial Transit Cluster (NCT-1) Districts; (4) conditionally permit Large Self-Service Restaurants in the Inner Sunset Neighborhood Commercial District; (5) require that mechanical noise and vibration from Self-Service Restaurants be confined to the premises; and (6) remove the prohibition of on-site food preparation and cooking and reheating equipment in Retail Coffee Stores<sup>1</sup>.

### The Way It Is Now:

#### Use Categories

There are a total of 13 Definitions (7 Neighborhood Commercial / 6 Mixed Use) for line item eating and drinking uses in the Planning Code:

- **Article 7 Definitions:** Small Self-Serve Restaurant (790.91), Large Fast-Food Restaurant (790.90), Full Service Restaurant (790.92), Retail Coffee Shop (790.102n), Accessory Grocery Deli (703.2), Self-Service Specialty Food Stores (790.93) and Bar (790.22).

---

<sup>1</sup> **A note to the reader:** throughout this report existing and proposed Planning Code definitions are noted with the use of Capitalized Words instead of within "quotes". This style choice was made in an effort in increase readability and decrease clutter that may have resulted from the large number of such terms throughout the report.

- **Article 8 Definitions:** Bar (890.22), Small Fast-Food Restaurant (890.90), Large Fast-Food Restaurant (890.91), Full Service Restaurant (890.92), Bar (890.22) and Take-Out Food (890.122).

#### **Use Size**

- Each Neighborhood Commercial District (NCD) in Article 7 and has a Non-Residential Use Size that is permitted as-of-right. Any Non-Residential Use proposed over that threshold requires Conditional Use (CU) authorization. As-of-right Non-Residential Use Sizes range from 1,999 sq. ft. to 5,999 in Article 7, with the majority being 2,499 sq. ft.
- Small-Self Service Restaurants and Large Fast-Food Restaurants are differentiated by their total square footage and the number of seats. Small Self-Service Restaurants are limited to 1,000 sq. ft. and 50 seats; Large Fast-Food Restaurants are defined as anything above 1,000 sq. ft.

#### **Prohibited or Restricted Uses**

- Small Self-Service Restaurants and Video Stores in Neighborhood Commercial Cluster (NC-1) and Neighborhood Commercial Transit Cluster (NCT-1) require Conditional Use Authorization.
- Large Self-Service Restaurants are not permitted in the Inner Sunset Neighborhood Commercial District.
- Coffee Stores are not permitted to have on-site food preparation or equipment to cook or reheat food or prepare meals, except where a conditional use is granted for an exception in the West Portal NCD.

#### **Noise and Odor Controls**

- Large Fast-Food Restaurants and Small Self-Service Restaurants currently carry a condition that noise and odors be contained within the premises so as not to be a nuisance to nearby residents or neighbors.

#### **The Way It Would Be:**

The proposed legislation removes seating limitations and relates restaurant use size to the tailored sizes of the various NC districts. The legislation is more permissive of restaurants in the smallest districts and allows food preparation in coffee stores.

- Maintain the current number of restaurant uses and not modify the restaurant definitions in Article 8.
- Increase the maximum use size for Small Self-Service Restaurants in Neighborhood Commercial Districts to that of the non-residential use size limits for the district and eliminate the limit on the number of seats;
- Change the name of Large Fast-Food Restaurants to Large Self-Service Restaurants;
- Increase the minimum size for Large Self-Service Restaurants in Neighborhood Commercial Districts to that of the Non-Residential Use Size limit for the district;
- Principally permit Small Self-Service Restaurants and Video Stores in NC-1 and NC-T Districts;
- Conditionally permit Large Self-Service Restaurants in the Inner Sunset Neighborhood Commercial District;

- Require that mechanical noise and vibration from Self-Service Restaurants be confined to the premises; and
- Remove the prohibition of on-site food preparation and cooking and reheating equipment in Retail Coffee Stores.

## REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

## RECOMMENDATION

The Department recommends that the Commission recommend *approval with modifications* of the proposed Ordinance *with modifications* to include:

The Department proposes consolidating the number of line item definitions from 13 to three. (See Exhibit D for a graphic image of this consolidation and Exhibit C for the specific text for these new definitions.) The distinguishing characteristic that would group the new restaurant categories would be the historically most volatile: sale of alcohol. An eating/drinking establishment without on-site alcohol sales would be a Restaurant-Limited; a restaurant with wine and beer would be simply a Restaurant; and a full liquor license would be classified as a Bar. Further the Department recommends that the Video Store definition be removed and the use be put back under Sales and Service, Other Retail (790.100).

- **Simplify Definitions.** Reduce the total number of line item definitions in both Articles 7 and 8 to three: Restaurant, Restaurant-Limited and Bar. The Bar definition would not substantially change, but standardized operation conditions would be added. Restaurant would encompass Large Fast-Food (790.90 & 890.91), Small Self-Service (790.91 & 890.90), and Full-Service Restaurants (790.92 & 890.92). Restaurant-Limited would encompass Self-Service Specialty Food Stores (790.93), Take-Out Food (890.122), Accessory Grocery Deli (703.2) and Coffee Shops (790.102n). General and Specially Grocery Store (709.102 (a) & (b)) definitions would be amended to reflect the changes in restaurant definitions for the purposes of accessory uses and to include Standard Conditions.
- **Entitlement Process.** Staff proposes two options for translating the new definitions into controls for the Commission's consideration. Option 1 would continue CU requirements if any of the existing definitions encompassed in the new definitions currently require CU authorization. Option 2 allows Restaurant-Limited (no on-site alcohol) as of right in all NCDs, and would require CU authorization for Restaurants if Full-Service Restaurants are currently required to obtain a CU. Option 2 is preferred by the Department (see discussion below).
- **Standard Conditions of Approval.** The proposed definitions would add conditions in the Code on each eating and drinking use consistent with the standardized conditions currently used with CU authorization. These controls would address noise, litter, trash receptacles and odor issues.
- **Consolidate Definitions.** All definitions would be located in Article 7 of the Planning Code. Article 8 would reference the definitions in Article 7.
- **Remove Video Store Definition (790.135):** Instead this use would be covered by Sales and Service, Other Retail (790.102). Video stores are becoming obsolete due to the provision of on-demand video through cable providers and other internet-based video delivery systems. Therefore, the Department does not see a need to keep it as a separate use category.

- **Additional Controls.** Existing controls attached to restaurant uses (indicated by a # in the Planning Code) would remain for the most part. For instance, a new bar in the Upper Fillmore NCD could only be approved in conjunction with a Restaurant use.
- **Retain Existing Restaurant Caps.** Existing legislated limits on restaurant types would be transferred and applied to the new restaurant definitions. For example, the Union Street NCD currently has a restriction prohibiting more than 32 Full-Service Restaurants within the district. Under the Department's proposal, that limit would be applied to establishments that fit the new definition, Restaurant.

## **BASIS FOR RECOMMENDATION**

As part of our review of Supervisor Mirkarimi's legislation, the Planning Commission asked staff to reevaluate and consolidate existing restaurant definitions. In addition, "NC@20" – a review of NCD controls 20 years after being adopted - also recommended that existing restaurant definitions be evaluation based on changes that have occurred to the Planning Code since NCD controls were adopted.

### **Evolving Planning Code**

The citywide Neighborhood Commercial Controls were enacted in 1987<sup>2</sup> in response to land use issues identified by neighborhood groups, planners, and elected officials. Two issues of particular concern were restaurants displacing neighborhood serving retail uses and the proliferation of chain restaurant. As a way to address these concerns, restaurants were divided into very specific use types so that they could be more tightly controlled and regulated. Since then, two significant additions have been added to the Planning Code that address the same issues, but in a more effective way: Planning Code Section 312 Neighborhood Notification<sup>3</sup> first established in 2000 and Formula Retail Controls<sup>4</sup> were first added to the Planning Code in 2004<sup>5</sup>.

Prior to the establishment of required neighborhood notification by §312, neighbors and neighborhood groups were not routinely notified of proposed restaurants before approval by the Planning Department. There was no effective method for these groups to voice their concerns if they felt there was an over proliferation of restaurants in the area. Additionally, controlling large chain fast-food restaurants in NCDs was difficult and inconsistent prior to the Formula Retail controls. Now all formula retail establishments require a Conditional Use hearing before the Planning Commission, even if there is already a formal retail business in the existing space.

### **Overly Prescriptive Definitions**

The desire to restrict restaurants and large chain fast-food restaurants created the need to develop explicit definitions for different restaurant types in NCD. While this helped slow the establishment of

---

<sup>2</sup> Added by Ord. 69-87, App. 3/13/87.

<sup>3</sup> Added by Ord. 279-00, File No. 001423, App. 12/15/2000.

<sup>4</sup> Added by Ord. 62-04, File No. 031501, App. 4/9/2004.

<sup>5</sup> The first Formula Retail controls established in 2004 in San Francisco applied only to the Hayes-Gough NCD. Since that time, these controls have been expanded to regulate Formula Retail uses in all NC Districts; the Japantown and Western SoMa SUDS; the Urban Mixed Use, Mixed Use-General, Residential Transit-Oriented, and Chinatown Visitor Retail districts; as well as the Residential Commercial districts along Van Ness between Golden Gate and Chestnut. See Ordinance Numbers 62-04, 8-05, 65-05, 173-05, 204-06, 180-06, 0269-08, 0298-08, 0301-08, 304-08 and the 2007 Voter's Initiative, Proposition G.

fast-food restaurants in NCD, it also dictated how a restaurant could operate and what they could offer their customers. For instance, coffee shops are restricted from serving prepared foods such as toasted bagels with cream cheese, and Small Self-Service Restaurants and Large-Fast Food Restaurants are required to have food ordered and served at the counter and have food served in disposable wrappers. Yet many newer restaurants models have customers order at the counter and then the food is brought to them. Further, requiring businesses to serve food in disposable wrappers is antithetical to the City's efforts on reducing the amount of trash it generates.

As restaurants have changed and the City's attitude toward restaurants has evolved, the distinction between the different eating and drinking uses has become obsolete. The Zoning Administrator issued several interpretations trying to fit new or emerging business models into the existing definitions. Small business owners have had to modify how they operate to be in compliance with the Planning Code or risk fines, and the Department's enforcement staff has had to police coffee stores to ensure that they don't have toasters and are serving ice cream in cups and not cones. Enforcing these regulations takes significant resources without any clear public benefit.

#### **Number of Definitions**

Rather than attempting to refine the existing definitions, the Department finds it more practical and effective to combine existing definitions based on the one issue that has the greatest land use and quality of life impacts, alcohol sale and consumption. Under the Department's proposal, those uses that are currently permitted to have food service and on-site alcohol sale and consumption would simply be categorized as Restaurants. Uses that are currently permitted to serve food and have off-site alcohol sale would be categorized as Restaurant-Limited. The definitions for Bars, which permits on-site alcohol sale without food service, would remain the same except that standard operating conditions would be added to the definition.

Existing Formula Retail controls would still prevent or limit large chain restaurants in Neighborhood Commercial Districts. Neighborhood groups and residents would be notified of any restaurant seeking to establish in non-restaurant retail spaces, and entitlement requirements can still be tailored to individual neighborhoods. Neighborhood Commercial Districts with restrictions on bars or specific alcohol licenses would remain in effect. Conversely small business owners would be allowed operate their business with more flexibility and without fear of being in violation of the Planning Code, the new definitions would be clearer for new business owners and the Planning Department would not be charged with monitoring how food is ordered or served.

#### **Other Impacts**

Restaurants have other impacts such as noise, odor and trash. To address these issues, Staff proposes that the new definitions include clearly defined operating conditions that would apply to any restaurant use in the City whether or not it is required to obtain CU authorization. These conditions have been taken from a list of standardized conditions of approval recently developed by the Department. Moreover, the success and popularity of a restaurant, rather than the service level or type of restaurant dictates how disruptive it will be to a neighborhood. Since the City can not regulate success, requiring standardized conditions for each restaurant would ensure that business owners know what the City's expectations are before opening and would provide greater assurances to neighbors.

#### **Use Size**

The existing use definitions limit Small Self-Service Restaurants to 1,000 sq. ft., while a Self-Service Restaurant above that size is considered to be a Large Fast-Food Restaurant. One major change proposed by Mirkarimi's legislation that is also consistent with the Department's recommendation is the use of



existing Non-Residential Use Sizes to regulate restaurant sizes. Each neighborhood commercial district has a non-residential use size that, once exceeded, requires CU authorization. These uses sizes are tailored to each district; for instance in NC-1 Districts (smaller commercial clusters often located within residential neighborhoods) the non-residential use size is 2,999 sq. ft. and in NC-3 Districts (larger commercial districts like those along Geary Boulevard) the non-residential use size is 5,999 sq. ft. The Department believes that these existing, tailored controls are sufficient to ensure that restaurant size would not be disruptive to each NCD's character.

### **Entitlement Process**

Attachment E charts two proposals for determining land use controls within specific zoning districts. Of the two options presented in the Department's recommendation, Option 2 is the Department's preferred option. Option 2 would permit the least impactful use, Restaurant-Limited, to be Principally Permitted in all NCDs, and Restaurants would be either Principally Permitted or Permitted with CU Authorization, depending on existing controls for Full-Service Restaurants. For example, if a Full-Service Restaurant currently requires a CU authorization or is not permitted in an NCD then the new Restaurant category would require a CU authorization.

Option 1 is a more conservative reading and would preserve all existing CUs by merely transferring any existing CU to the new definition. If a use is not currently permitted that would convert to a CU. For example, *not only* would any Full Service Restaurant, Large Fast-Food Restaurant or Small Self-Serve Restaurant trigger a CU for the new Restaurant use *but also* any existing CU for a Coffee Shop, Self-Service Specialty Food, Take Out or Accessory Deli would trigger a CU for the new Restaurant-Limited Use. This option would be the more conservative approach and would not only preserve existing CUs but also due to the definition consolidation would actually *increase* the frequency where CUs would be required.

Under current controls the most restricted eating use in NCDs is Large-Fast Food Restaurants, which is an artifact from initial attempts to prohibit or limit the number of large chain restaurants in NCDs. Since the establishments are now formula retail controls that more effectively regulate this type of use, outright prohibition of restaurants that fall under this definition is no longer necessary.

### **ENVIRONMENTAL REVIEW**

The proposal to amend Planning Code Sections 710, 730, 733A, 733A.1, 790.90, 790.91, and 790.102 would result in no physical impact on the environment. The proposed amendment is exempt from environmental review under Section 15060(c)(2) of the CEQA Guidelines.

### **PUBLIC COMMENT**

As of the date of this report, the Department has received approximately five emails inquiring about the proposed changes and one phone call. One email expressed concern about how the proposed changes would impact the West Portal Neighborhood Commercial District's cap on restaurants. Two emails expressed concerns on how the proposed changes would effect the prohibition on bars in the Upper Fillmore NCD and the Union Street NCD. The Department feels that its recommendation addresses these concerns by preserving both the total cap on new restaurants and the prohibition of new bars in those districts.

While not specific to this proposal, the Small Business Commission (SBC) has requested the simplification of restaurant definitions as generally described in the "NC@20" report. Further, SBC staff report that streamlining restaurant definitions is one of the priority recommendations of the SBC.

<b>RECOMMENDATION:</b> Recommendation of Approval with Modifications
--

**Exhibit D**

**Existing Use Categories**

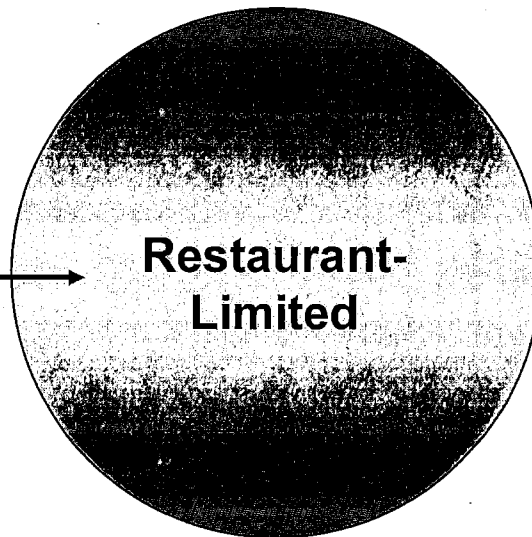
**Proposed Use Categories**

Coffee Shop  
(790.102)

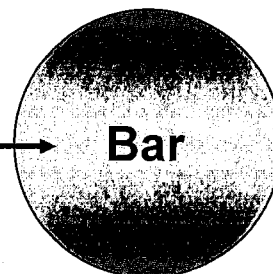
Self-Service Specialty  
Food (790.93)

Take-Out Food  
(890.122)

Accessory Deli  
(703.2 & 803.2)



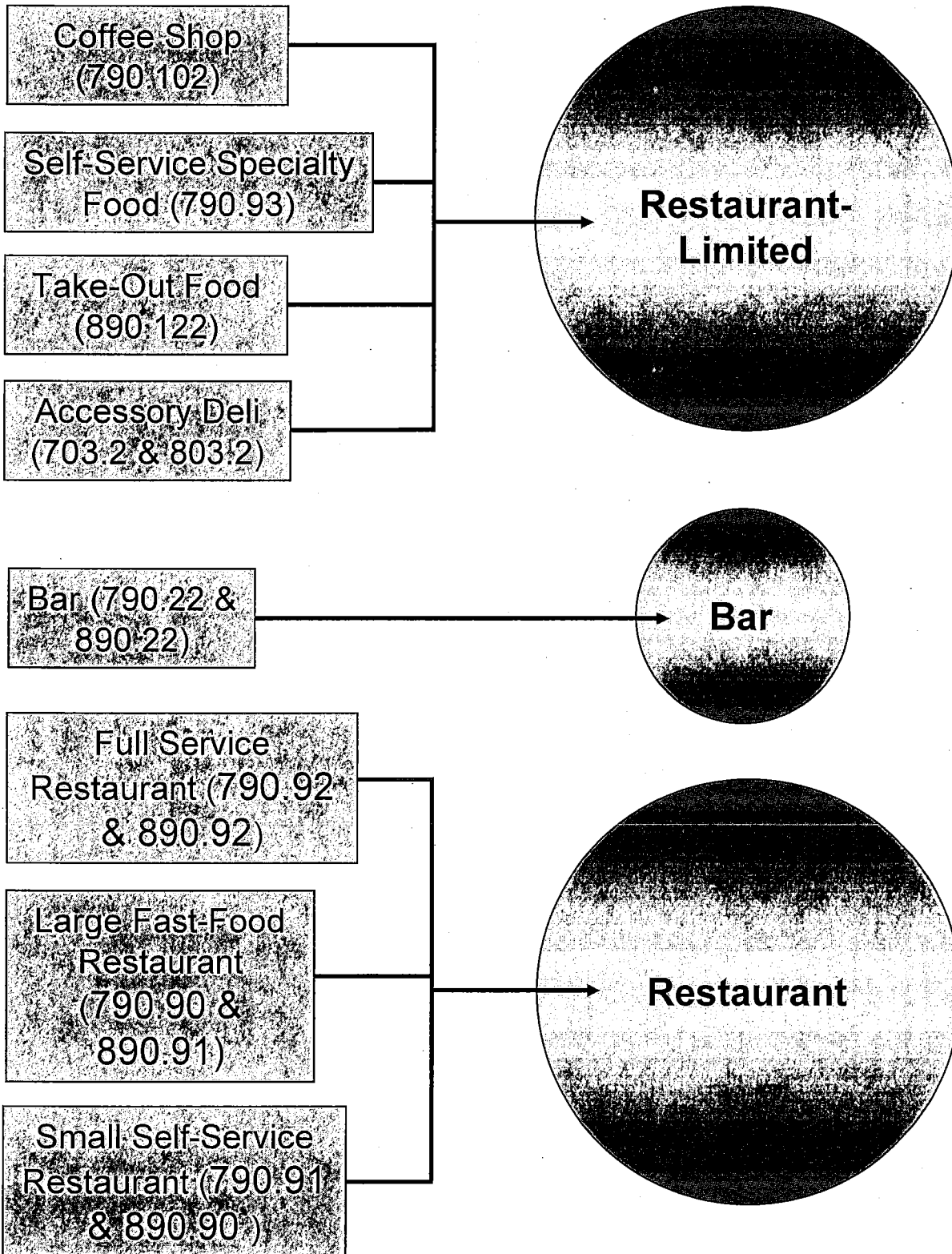
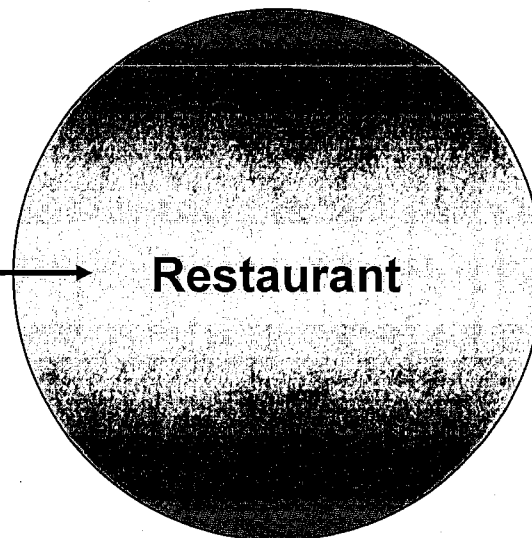
Bar (790.22 &  
890.22)



Full Service  
Restaurant (790.92  
& 890.92)

Large Fast-Food  
Restaurant  
(790.90 &  
890.91)

Small Self-Service  
Restaurant (790.91  
& 890.90)





SMALL BUSINESS COMMISSION  
OFFICE OF SMALL BUSINESS



CITY AND COUNTY OF SAN FRANCISCO  
EDWIN M. LEE, MAYOR

March 23, 2011

Ms. Angela Calvillo, Clerk of the Board  
Board of Supervisors  
City Hall room 244  
1 Carlton B. Goodlett Place  
San Francisco, CA 94102-4694

**Re: File No. 110152 [Planning Code - Zoning - Self-Service Restaurants, Retail Coffee Stores, and Video Stores]**

**Small Business Commission Recommendation: Approval with modification**

Dear Ms. Calvillo:

On March 14, 2011, the Small Business Commission unanimously voted to recommend approval of Board of Supervisors File No. 110152 with modification. The SBC found that these proposed changes are necessary in order to provide new and exciting opportunities for restaurant uses in Neighborhood Commercial Districts. A relic of the past, the differentiation between Small Self Service and Large Fast Food restaurants were initially put in place to address Formula Retail fast food establishments. With the addition of Formula Retail controls in the past decade, changing these definitions is both pragmatic and past due.

The Commission recommends one modification.

The ordinance currently proposes to eliminate Section 790.102 (n)(1)(J)

*"No on site food preparation, and no equipment to cook or reheat food or prepare meals other than that connected to beverage preparation, except where a conditional use is granted for an exception in the West Portal NCD pursuant to the "Specific Provisions for the West Portal District."*

Section 790.102 (n)(1)(I) states that, *"Limited amount of nonprepackaged food goods may be served, such as pastries or similar goods"* in Retail coffee stores. The Commission requests that the ordinance be amended to include and specify that equipment for food preparation, cooking and reheating may be used only for the limited nonprepackaged food goods permitted by section 790.120 (n)(1)(I). This will provide clarity to businesses that wish to operate these Retail Coffee Stores.



SMALL BUSINESS COMMISSION  
OFFICE OF SMALL BUSINESS



CITY AND COUNTY OF SAN FRANCISCO  
EDWIN M. LEE, MAYOR

The Commission commends Supervisor Mirkarimi for addressing a topic that takes up an integral part of the cornerstone recommendations of the NC@20 report published in 2009 by the Planning Department. These important recommendations followed careful analysis of past and current NC Zoning trends and the SBC looks forward to supporting future planning code amendments that continue to implement these recommendations.

Sincerely,

A handwritten signature in cursive script, which appears to read "Regina Dick-Endrizzi".

Regina Dick-Endrizzi  
Director, Office of Small Business

cc. Supervisor Ross Mirkarimi  
Jason Elliott, Mayor's Office  
AnMarie Rogers, Planning Department