

## LEGISLATIVE DIGEST

[Planning Code - New Restaurants and Bars in the North Beach Special Use District]

**Ordinance amending the Planning Code to allow a restaurant or bar in the North Beach Special Use District, with conditional use authorization, to occupy a space currently or last occupied by a limited restaurant; affirming the Planning Department’s determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

### Existing Law

Planning Code Section 780.3 establishes the North Beach Special Use District. Restaurants and Bars are permitted on the ground floor with a Conditional Use authorization if the Planning Commission finds, among other things, that the Restaurant or Bar does not occupy a space that was currently or was last occupied by a Basic Neighborhood Sale or Service. A Basic Neighborhood Sale or Service is defined as a use that “provides goods and/or services which are needed by residents and workers in North Beach and surrounding neighborhoods and includes, but is not limited to, Other Retail Sales and Services, Personal Services, Medical Services, Liquor Stores, Trade Shops, Animal Hospitals, and Limited Restaurants, as those uses are defined in Article 7.

### Amendments to Current Law

Section 780.3 is proposed to be amended to delete Limited Restaurants from the list of uses that are included within the definition of Basic Neighborhood Sale or Service. This will allow a Restaurant or Bar, with Conditional Use authorization, to occupy a space currently or last occupied by a Limited Restaurant. A Limited Restaurant is defined in Section 790.90 as a retail eating and/or drinking use which serves foods and/or drinks to customers for consumption on or off the premises, and may or may not have seating. It includes, but is not limited to, specialty foods provided by bakeries, delicatessens, and confectioneries. A Limited Restaurant cannot provide on-site beer and/or wine sales for consumption on the premises but sell may sell beer and/or wine for consumption off the premises with a California Alcoholic Beverage Control Board license.

### Background Information

The North Beach Special Use District was enacted in 2008 in response to neighborhood concerns about the growing number of restaurants and bars and the consequent loss of neighborhood-serving uses. Thus, the stated purpose of the Special Use District is “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.” In 2012, the different types of food service uses in

the Planning Code were redefined and the North Beach Special Use District controls were amended to delete "Self-Service Specialty Food" from the list of uses included within the definition of Basic Neighborhood Sale or Service and replace it with Limited Restaurant. However, a Limited Restaurant does not have the same definition as the prior Self-Service Specialty Food use, which was defined in former Section 790.93 as "a retail use whose primary function is to prepare and provide ready to eat specialty foods to a high volume of customers who carry out the food for off-premises consumption" A Restaurant or Bar in the North Beach Neighborhood Commercial District (Planning Code Section 722) would still require a Conditional Use authorization on the ground floor but would be allowed to replace a Limited Restaurant.

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