



SAN FRANCISCO PLANNING DEPARTMENT

November 18, 2011

Ms. Angela Calvillo, Clerk
Board of Supervisors
City and County of San Francisco
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**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***

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,

A handwritten signature in blue ink, appearing to read 'AM-Rodgers', with a horizontal line extending to the right.

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

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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

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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 Stores¹.

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).

¹ **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 1987² 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 Notification³ first established in 2000 and Formula Retail Controls⁴ were first added to the Planning Code in 2004⁵.

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

² Added by Ord. 69-87, App. 3/13/87.

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

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

⁵ 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 use 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 establishment 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.

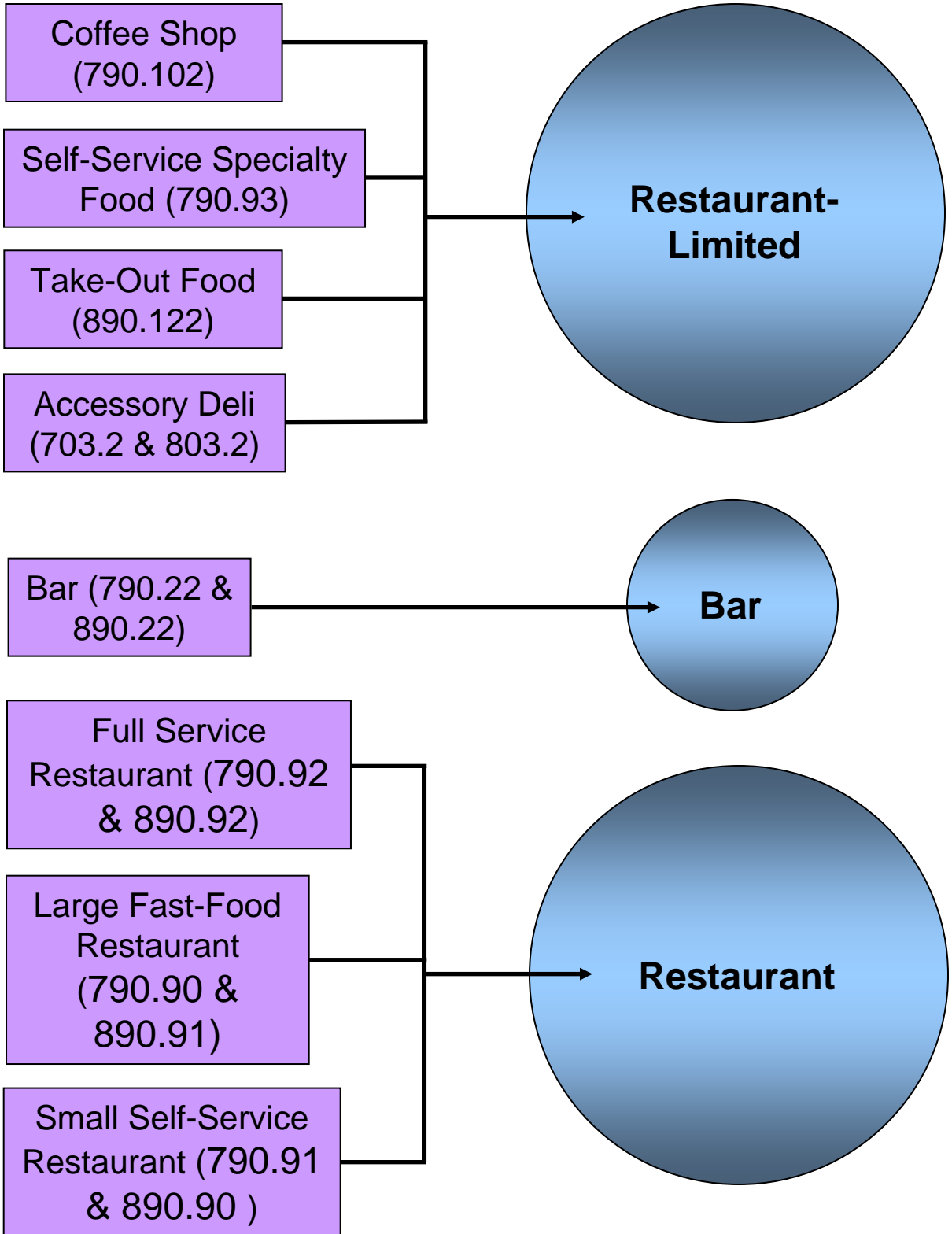
While not specific to this proposal, the Small Business Commission (SBC) has requested the simplification of restaurant definitions as generally described in the "NC@20" report. Further, SBC staff report that streamlining restaurant definitions is one of the priority recommendations of the SBC.

RECOMMENDATION: Recommendation of Approval with Modifications

Exhibit D

Existing Use Categories

Proposed Use Categories



1 EXHIBIT A

2
3 [Planning Code – Eating and Drinking Controls]

4
5 **Ordinance amending the San Francisco Planning Code by 1) deleting Sections 790.92,**
6 **790.93, 890.22, 890.90, 890.91, 890.92 and 890.122 and amending Sections 249.40A, 303,**
7 **703.2, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726,**
8 **727, 728, 729, 730, 731, 732, 733, 733A, 734, 735, 736, 737, 780.3, 781.2, 781.5, 781.9, 787,**
9 **790.22, 790.90, 790.91, 790.102, 803.2, 810.1, 811.1, 812.1, 814, 815, 816, 817, 818, and**
10 **840 to simplify and consolidate eating and drinking definitions; and 2) adopting**
11 **environmental findings, Planning Code Section 302 findings, and findings of**
12 **consistency with the General Plan and the Priority Policies of Planning Code Section**
13 **101.1.**

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

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

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

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

1 (b) Section 302 Findings. Pursuant to Planning Code Section 302, the Board finds
2 that the proposed ordinance will serve the public necessity, convenience and welfare for the
3 reasons set forth in Planning Commission Resolution No. _____, which reasons are
4 incorporated herein by reference as though fully set forth. A copy of Planning Commission
5 Resolution No. _____ is on file with the Board of Supervisors in File No.
6 _____.

7 (c) General Plan and Planning Code Section 101.1 Findings. At a duly noticed public
8 hearing held on _____, the Planning Commission in Resolution No. _____
9 found that the proposed Planning Code amendments contained in this ordinance were
10 consistent with the City's General Plan and with Planning Code Section 101.1(b). In addition,
11 the Planning Commission recommended that the Board of Supervisors adopt the proposed
12 Planning Code amendments. The Board finds that the proposed Planning Code contained in
13 this ordinance are consistent with the City's General Plan and with Planning Code Section
14 101.1(b) for the reasons set forth in said Resolution.

15
16 Section 2. The San Francisco Planning Code is hereby amended by deleting Sections
17 790.92, 790.93, 890.22, 890.90, 890.91, 890.92 and 890.122 as follows:

18 ~~**SEC. 790.92. RESTAURANT, FULL SERVICE.**~~

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

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

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

4 ~~It may provide on-site beer and/or wine sales for drinking on the premises (with ABC licenses~~
5 ~~40, 41 or 60). If it serves liquor for drinking on the premises (with ABC licenses 47 or 48), or does not~~
6 ~~admit minors (with ABC licenses 42 or 61), then it shall also be considered a bar, as defined in Section~~
7 ~~790.22 of this Code.~~

8 **~~SEC. 790.93. SPECIALTY FOOD, SELF-SERVICE.~~**

9 ~~(a) A retail use whose primary function is to prepare and provide ready-to-eat specialty foods~~
10 ~~to a high volume of customers who carry out the food for off-premises consumption. Such use exhibits~~
11 ~~each of the following characteristics: (1) Contains a service counter designed specifically for the sale~~
12 ~~and distribution of food that has been prepared on-site; (2) Food is paid for prior to consumption; (3)~~
13 ~~Typically open for retail sales on weekdays during daytime hours; and (4) May contain no more than~~
14 ~~10 seats including sidewalk seating. It often includes wholesaling, manufacturing, or processing of~~
15 ~~foods, goods, or commodities on the premises as an accessory use as set forth in Section~~
16 ~~703.2(b)(1)(C)(v).~~

17 ~~(b) It includes, but is not limited to, specialty foods provided by bakeries, delicatessens, and~~
18 ~~confectioneries meeting each of the above characteristics, but it is distinct from small a self-service~~
19 ~~restaurant use as defined in Section 790.91, a large fast food restaurant use as defined in Section~~
20 ~~790.90 or a retail coffee store as defined in 790.102(n). It does not include general or specialty grocery~~
21 ~~stores with accessory take-out food activity as described in Section 703.2(b)(1)(C) or retail uses which~~
22 ~~sell prepackaged or bulk ready-to-eat foods with no on-site food preparation area.~~

23 ~~(c) It shall not provide on-site beer and/or wine sales for consumption on the premises, but may~~
24 ~~provide beer and/or wine sales for consumption off the premises with a California Alcoholic Beverage~~
25

1 ~~Control Board License type 20 (off-sale beer and wine) within the accessory use limits as set forth in~~
2 ~~Section 703.2(b)(1)(C)(vi).~~

3 ~~(d) It shall not be required to operate within an enclosed building pursuant to Section~~
4 ~~703.2(b)(1) so long as it is also a Mobile Food Facility as defined in Section 102.31. Any associated~~
5 ~~outdoor seating and/or dining area is subject to regulation as an Outdoor Activity Area as set forth~~
6 ~~elsewhere in this Code.~~

7 **~~SEC. 890.22. BAR.~~**

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

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

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

16 ~~(1) Contains fewer than 50 seats and less than 1,500 square feet of gross floor area;~~

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

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

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

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

22 ~~(6) Food available upon a short waiting time.~~

23 ~~It includes but is not limited to delicatessens, ice cream and cookie stores, sandwich shops, and~~
24 ~~bakeries. It does not apply to retail general or specialty grocery or confectionery stores. When a fast-~~
25 ~~food restaurant operates within and in conjunction with another retail use, such as a retail grocery~~

1 ~~store, the area of the fast food restaurant shall be measured to include the area devoted to food~~
2 ~~preparation and service, seating and separate public food service counters excluding fish, poultry and~~
3 ~~meat counters.~~

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

8 ~~(c) It shall not be required to operate within an enclosed building pursuant to Section~~
9 ~~803.2(b)(1) so long as it is also a Mobile Food Facility as defined in Section 102.31. Any associated~~
10 ~~outdoor seating and/or dining area is subject to regulation as an Outdoor Activity Area as set forth~~
11 ~~elsewhere in this Code.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 **~~SEC. 890.92. RESTAURANT, FULL SERVICE.~~**

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

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

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

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

14 **SEC. 890.122. TAKE-OUT FOOD.**

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

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

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

1 Section 3. The San Francisco Planning Code is hereby amended by amending
2 Sections 249.40A, 303, 703.2, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721,
3 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 733A, 734, 735, 736, 737, 780.3,
4 781.2, 781.5, 781.9, 787, 790.22, 790.90, 790.91, 790.102, 803.2, 810.1, 811.1, 812.1, 814,
5 815, 816, 817, 818, and 840, to read as follows:

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

7 (a) Purpose. The South of Market (SoMa) Youth and Family Special Use District
8 is intended to expand the provision of affordable housing in the area defined below. In
9 addition, this zoning is intended to protect and enhance the health and environment of youth
10 and families by adopting policies that focus on certain lower density areas of this District for
11 the expansion of affordable housing opportunities. The findings of Planning Code Section
12 319.1 concerning the provision of affordable housing are incorporated herein by reference.

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

17 (c) Controls.

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

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

- 22 (i) Religious facilities, as defined in Sec. 890.50(d);
- 23 (ii) Bars, as defined in Sec. ~~890.22~~ 790.22;
- 24 (iii) Liquor stores, as defined in Sec. 790.55;
- 25 (iv) Amusement arcades, as defined in Sec. 890.4;

- 1 (v) ~~Full service~~ Restaurants, as defined in Sec. ~~890.92-790.91~~;
2 ~~(vi) Large fast food restaurants, as defined in Sec. 890.91~~;
3 (vi) Adult entertainment, as defined in Sec. 890.36;
4 (vii) Other entertainment, as defined in Sec. 890.37;
5 ~~(viii)~~ Movie theatres, as defined in Sec. 890.64;
6 ~~(ix)~~ Parking lots, as defined in Sections 890.7, 890.9, and 890.11; and
7 ~~(x)~~ Parking garages, as defined in Sections 890.8, 890.10, and
8 890.12.

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

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

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

17 **SEC. 303. CONDITIONAL USES.**

18 (p) Eating and Drinking Uses

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

23 (A) The existing concentration of eating and drinking uses in the area. Such
24 concentration should not exceed 25% of the total commercial frontage, as measured in linear feet,
25 within the immediate area of the subject site. For the purposes of this Section of the Code, the

immediate area shall be defined as all properties located within 300' of the subject property and also located within the same zoning district.

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.	Uses	Zoning Control Categories for	Section Number of Use Definition
.24	Outdoor Activity Area		§ 790.70
.25	Drive-Up Facility		§ 790.30
.26	Walk-Up Facility		§ 790.140
.27	Hours of Operation		§ 790.48
.38	Residential Conversion		§ 790.84
.39	Residential Demolition		§ 790.86
.40	Other Retail Sales and Services		§ 790.102
.41	Bar		§ 790.22

1	.42	<i>Full-Service Restaurant</i>	§ 790.92
2	.43	<i>Large-Fast-Food-Limited-</i>	§ 790.90
3		Restaurant	
4	.44	<i>Small Self-Service Restaurant</i>	§ 790.91
5			
6	.45	Liquor Store	§ 790.55
7	.46	Movie Theater	§ 790.64
8	.47	Adult Entertainment	§ 790.36
9			
10	.48	Other Entertainment	§ 790.38
11	.49	Financial Service	§ 790.110
12	.50	Limited Financial Service	§ 790.112
13	.51	Medical Service	§ 790.114
14			
15	.52	Personal Service	§ 790.116
16	.53	Business or Professional	§ 790.108
17		Service	
18	.54	Massage Establishment	§ 790.60
19	.55	Tourist Hotel	§ 790.46
20			
21	.56	Automobile Parking	§ 790.8
22	.57	Automotive Gas Station	§ 790.14
23	.58	Automotive Service Station	§ 790.17
24	.59	Automotive Repair	§ 790.15
25			

1	.60	Automotive Wash	§ 790.18
2	.61	Automobile Sale or Rental	§ 790.12
3	.62	Animal Hospital	§ 790.6
4	.63	Ambulance Service	§ 790.2
5	.64	Mortuary	§ 790.62
6	.65	Trade Shop	§ 790.124
7	.66	Storage	§ 790.117
8	.67	Video Store	§ 790.135
9	.68	Fringe Financial Service	§ 790.111
10	.69	Tobacco Paraphernalia	§ 790.123
11		Establishment	
12	.69A	Self-Service Specialty Food	§ 790.93
13	.69B	Amusement Game Arcade	§ 790.04 <u>790.4</u>
14		(Mechanical Amusement Devices)	
15	.69C	Neighborhood Agriculture	§ 102.35(a)
16	.69D	Large-Scale Urban Agriculture	§ 102.35(b)
17	.70	Administrative Service	§ 790.106
18	.80	Hospital or Medical Center	§ 790.44
19	.81	Other Institutions, Large	§ 790.50
20	.82	Other Institutions, Small	§ 790.51
21			
22			
23			
24			
25			

1	.83	Public Use	§ 790.80
2	.84	Medical Cannabis Dispensary	§ 790.141
3	.85	Service, Philanthropic	§ 790.107
4		Administrative	
5			
6	.90	Residential Use	§ 790.88
7	.95	Community Residential Parking	§ 790.10

(b) **Use Limitations.** The uses permitted in Neighborhood Commercial Districts are either principal, conditional, accessory, or temporary uses as stated in this Section, and include those uses set forth or summarized and cross-referenced in the zoning control categories as listed in Paragraph (a) in Sections 710.1 through ~~729.95~~ 737.1 of this Code for each district class.

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

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

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

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

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

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

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

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

7 (C) **Accessory Uses.** Except as prohibited in Section 728 and subject to the
8 limitations set forth below and in Sections 204.1 (Accessory Uses for Dwelling Units in R and
9 NC Districts), 204.4 (Dwelling Units Accessory to Other Uses), and 204.5 (Parking and
10 Loading as Accessory Uses) of this Code, a related minor use which is either necessary to the
11 operation or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental
12 and subordinate to any such use, shall be permitted as an accessory use when located on the
13 same lot. Any use which does not qualify as an accessory use shall be classified as a
14 principal or conditional use, unless it qualifies as a temporary use under Sections 205 through
15 ~~205.2~~ 205.4 of this Code.

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

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

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

23 (iii) Any take-out food use, as defined in Section 790.122, except for a take-out food
24 use which occupies 1/3 of the total floor area or up to 500 s/f whichever is more restrictive in a
25

1 general grocery or specialty grocery store,⁷ ~~2~~ This take-out food use includes the area devoted
2 to food preparation and service and excludes storage and waiting areas;

3 (iv) Any take-out food use, as defined in Section 790.122, except for a take-out food
4 use operating as a minor and incidental use within a ~~full-service~~ restaurant or limited-restaurant
5 use;

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

10 (vi) Any retail liquor sales, as defined in Section 790.55, except for beer, wine, and/or
11 liquor sales for the consumption off the premises with a State of California Alcoholic Beverage
12 Control ("ABC") Board License type (off-sale beer and wine) or type 21 (off-sale general)
13 which occupy less than 15% of the gross square footage of the establishment (including all
14 areas devoted to the display and sale of alcoholic beverages) in a general grocery store,⁷ or
15 specialty grocery store, ~~or self-service specialty food use~~.

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

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

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

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

24 (A) Uses which are not specifically listed in this Article are not permitted unless they
25 qualify as a nonconforming use pursuant to Sections 180 through 186.1 of this Code or are

determined by the Zoning Administrator to be permitted uses in accordance with Section 307(a) of this Code.

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

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

**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	Full Service Restaurant	§ 790.92	P#		
710.43	Large Fast Food Limited- Restaurant	§ 790.90	P#		
710.44	Small Self Service Restaurant	§ 790.91	C-P #		
710.67	Video Store	§ 790.135	C	-	-
710.69A	Self Service Specialty Food	§ 790.93	C#		

SPECIFIC PROVISIONS FOR NC-1 DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
§ 710.40 § 710.41 § 710.42-43 <u>710.44</u>		Boundaries: All NC-1 Districts Controls: 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
§ 710.44 § 710.69A	-	Boundaries: All NC-1 Districts Controls: 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
§ 710.42 § 710.43 § 710.44 § 710.69A	§ 781.1	TARAVAL STREET RESTAURANT AND FAST-FOOD SUBDISTRICT Boundaries: 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 Controls: Full-service <u>Restaurant</u> and small self-service limited- restaurants and self-service specialty food are C; large fast food formula retail restaurants and limited-restaurants are NP.

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

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

711.42	Full-Service Restaurant	§ 790.92	P#	-	-
711.43	Large Fast Food Limited- Restaurant	§ 790.90	C-P#		
711.44	Small Self-Service Restaurant	§ 790.91	P #		
711.67	Video Store	§ 790.135	€	€	-
711.69A	Self Service Specialty Food	§ 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	<p>TARAVAL STREET RESTAURANT AND FAST-FOOD SUBDISTRICT</p> <p>Boundaries: Applicable only for the Taraval Street NC-2 District between 12th and 36th Avenues as mapped on Sectional Maps 5 SU and 6 SU</p> <p>Controls: Full-service r <u>Restaurants</u>, small self-service restaurants and self-service specialty food and <u>limited-restaurant</u> are C; large fast food Formula Retail restaurants <u>and restaurant-limited</u> are NP</p>

1	§ 711.42	§ 781.2	IRVING STREET RESTAURANT AND FAST-FOOD SUBDISTRICT Boundaries: Applicable only for the portion of the Irving Street NC-2 District between 19th and 27th Avenues as mapped on Sectional Map 5 SU Controls: <i>Small self-service Restaurants and specialty food</i> are C; <i>full-service restaurants and large fast-food restaurants</i> are NP
2	§ 711.43		
3	§ 711.44		
4	§ 711.69A		
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8 **SEC. 712. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-3**

9 **ZONING CONTROL TABLE**

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

15	712.42	Full-Service Restaurant	§ 790.92	P	P	-
16	712.43	Large Fast Food <u>Limited</u> -Restaurant	§ 790.90	€ P#	€ P#	
17	712.44	Small Self-Service Restaurant	§ 790.91	P #	P #	
18	712.67	Video Store	§ 790.135	P	€	€
19	712.69A	Self-Service Specialty Food	§ 790.93	P#	P#	

21 **SPECIFIC PROVISIONS FOR NC-3 DISTRICTS**

22	Article 7	Other	
23	Code	Code	
24	Section	Section	
25		Zoning Controls	

1 2 3 4 5 6 7	§ 712.25 § 712.40	§ 249.14	THIRD STREET SPECIAL USE DISTRICT Boundaries: Applicable only to the portion of the Third Street SUD as shown on Sectional Map 10 SU zoned NC-3 Controls: Off-sale retail liquor sales as defined in Section 249.14(b)(1)(A) are NP; drive-up facilities for <i>restaurants and limited-restaurants large fast-food restaurants, small self-service restaurants and self-service specialty food</i> are C
8 9 10 11 12 13 14 15	§ 712.43 § 712.44 § 712.69A	§ 781.5	MISSION STREET FAST-FOOD SUBDISTRICT Boundaries: 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 Controls: <i>Limited-restaurants</i> and <i>Small self-service</i> restaurants and <i>self-service specialty food that are also defined as formula retail are C</i> ; <i>large fast-food restaurants</i> are NP
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17 **713. NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT NC-S**

18 **ZONING CONTROL TABLE**

19 20 21 22	No.	Zoning Category	§ References	NC-S		
				Controls by Story		
			§ 790.118	1st	2nd	3rd
23 24 25	<i>713.42</i>	<i>Full-Service Restaurant</i>	<i>§ 790.92</i>	<i>P</i>	<i>P</i>	

1	713.43	Large Fast Food Limited- Restaurant	§ 790.90	€P	€P	
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3	713.44	Small Self-Service Restaurant	§ 790.91	P #	P #	
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5	713.67	Video Store	§ 790.135	€	€	
6	713.69A	Self-Service Specialty Food	§ 790.93	P#	P#	

7 **SPECIFIC PROVISIONS FOR NC-S DISTRICTS**

8	9	10	11
Article 7	Other	Zoning Controls	
Code	Code		
Section	Section		
12	§ 713.10	§ 253.3	LAKESHORE PLAZA SPECIAL USE DISTRICT
13	§ 713.27	§ 780.1	Boundaries: Applicable only for the Lakeshore Plaza NC-S
14	§ 713.30		District as mapped on Sectional Map 13SU and 13H
15	§ 713.41		Controls: Special controls on various features and uses, and
16	§ 713.44		residential standards
17	§ 713.46		
18	§ 713.48		
19	§ 713.49		
20	§ 713.51		
21	§ 713.52		
22	§ 713.53		
23	§ 713.64		
24	§ 713.69A		
25	§ 713.70		

1	§ 713.81		
2	§ 713.82		
3	§ 713.90		
4	§ 713.91		
5	§ 713.92		
6	§ 713.93		
7	§ 713.95		

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

9 **ZONING CONTROL TABLE**

10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	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 #	
714.42	Full-Service Restaurant	§ 790.92	P	P	-
714.43	Large Fast Food Limited- Restaurant	§ 790.90	<u>P</u>	<u>P</u>	
714.44	Small Self-Service Restaurant	§ 790.91	<u>€P</u>	<u>€P</u>	
714.67	Video Store	§ 790.135	<u>€</u>	<u>€</u>	
714.69A	Self-Service Specialty Food	§ 790.93	<u>P</u>	<u>P</u>	-

**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

715.42	Full-Service Restaurant	§ 790.92			
715.43	Large Fast Food Limited-Restaurant	§ 790.90	<u>P</u>		
715.44	Small Self-Service Restaurant	§ 790.91	<u>C</u>		
715.67	Video Store	§ 790.135	<u>€</u>	<u>€</u>	
715.69A	Self-Service Specialty Food	§ 790.93	<u>P</u>		

1 **SEC. 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

2 **ZONING CONTROL TABLE**

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

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716.42	Full-Service Restaurant	§ 790.92	C#		
716.43	Large-Fast-Food-Limited-Restaurant	§ 790.90	C#P		
716.44	Small-Self-Service Restaurant	§ 790.91	C #		
716.67	Video Store	§ 790.135	P	C	
716.69A	Self-Service Specialty Food	§ 790.93			

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

Article 7 Code Section	Other Code Section	Zoning Controls
§ 716.41	§ 790.22	INNER CLEMENT STREET LIQUOR LICENSES FOR FULL-SERVICE RESTAURANTS Boundaries: Applicable to the Inner Clement Street Neighborhood Commercial District Controls:

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		<p>(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 § 790.92 <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 § 790.92 <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 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>
§ 716.41	§ 790.22	<p>INNER CLEMENT STREET LIQUOR LICENSES FOR BARS</p> <p>Boundaries: Applicable to the Inner Clement Street Neighborhood Commercial District</p> <p>Controls:</p>

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		<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 full-service 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 any of the above criteria for any length of time.</p>
§ 716.41	§ 790.92	INNER CLEMENT STREET FULL SERVICE RESTAURANTS

1 2 3 4 5 6 7 8 9 10 11 12	and 716.42	and 790.22	<p>AND BARS</p> <p>Boundaries: Applicable to the Inner Clement Street Neighborhood Commercial District</p> <p>Controls: 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) <i>full-service</i> restaurants or bars in accordance with this Section. Should a <i>full-service</i> 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 <i>full-service</i> restaurant or bar in accordance with the terms of this Section.</p>
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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 <u>Limited</u> -Restaurant	§ 790.90	C # <u>P</u>		
717.44	Small Self-Service Restaurant	§ 790.91	C #		
717.67	Video Store	§ 790.135	P	€	

717.69A	<i>Self-Service Specialty Food</i>	§ 790.93	C#		
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**SPECIFIC PROVISIONS FOR THE OUTER CLEMENT STREET NEIGHBORHOOD
COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
§§ 717.41, 717.42, 717.43, 717.44, <i>and</i> 717.69A	§ 790.34	<p>OUTER CLEMENT STREET EATING AND DRINKING USES</p> <p>Boundaries: Applicable to the Outer Clement Street Neighborhood Commercial District.</p> <p>Controls: 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>	§ 790.92	C#		
718.43	<i>Large Fast Food Limited- Restaurant</i>	§ 790.90	C# <u>P</u>		
718.44	<i>Small Self-Service Restaurant</i>	§ 790.91	C#		

718.67	<i>Video Store</i>	§ 790.135	€	€	-
718.69A	<i>Self-Service Specialty Food</i>	§ 790.93	€#		

SPECIFIC PROVISIONS FOR THE UPPER FILLMORE NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
§ 718.41	§ 790.22	Boundaries: 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

1	719.42	<i>Full-Service Restaurant</i>	§ 790.92	C#	#	#
2	719.43	<i>Large Fast Food Limited-</i>	§ 790.90	# <u>P</u>	# <u>P</u>	# <u>P</u>
3		Restaurant				
4	719.44	<i>Small Self-Service Restaurant</i>	§ 790.91	#	#	#
5	719.67	<i>Video Store</i>	§ 790.135	C	C	-
6	719.69A	<i>Self-Service Specialty Food</i>	§ 790.93	P#	P#	P#
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8 **SPECIFIC PROVISIONS FOR THE HAIGHT STREET DISTRICT**

9	Article 7 Code Section	Other Code Section	Zoning Controls
10	§ 719.40 § 719.41 § 719.43 § 719.44 § 719.69A	§ 781.9	Boundaries: The entire Haight Street Neighborhood Commercial District. Controls: Retail establishments selling off-sale or on-sale alcoholic beverages are not permitted pursuant to Section 781.9.
11	§ 719.42	§ 781.9 790.22 790.92	HAIGHT STREET LIQUOR LICENSES FOR <i>FULL-SERVICE</i> RESTAURANTS Boundaries: Applicable to the Height Street Neighborhood Commercial District and Height Street Alcohol Restricted Use Subdistrict. Controls: (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 202, the Planning Commission finds that: (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 § 790.92 <u>790.91</u> and (B) a bona-fide restaurant as defined in § 781.8(c); and (2) The establishment maintains only
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		<p>an ABC license type 47. Other ABC license types, except those that are included within the definition of a full-service 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>
§ 725.42-719.44	§ 790.92-790.91 § 790.22	<p>HAIGHT STREET FULL-SERVICE RESTAURANTS</p> <p>Boundaries: Applicable to the Haight Street Neighborhood Commercial District and Haight Street Alcohol Restricted Use Subdivision.</p> <p>Controls: A full-service restaurant may be permitted as a conditional use <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 full-service restaurants in accordance with this Section. Should a full-service 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 full-service 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	<i>Full-Service Restaurant</i>	§ 790.92	<i>P</i>		
720.43	<i>Large-Fast-Food Limited- Restaurant</i>	§ 790.90	<i>€P</i>		
720.44	<i>Small Self-Service Restaurant</i>	§ 790.91	<i>P</i>		
720.67	<i>Video Store</i>	§ 790.135	<i>€</i>	<i>€</i>	
720.69A	<i>Self-Service Specialty Food</i>	§ 790.93	<i>P</i>		

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	<i>Full-Service Restaurant</i>	§ 790.92	<i>€</i>	-	-
721.43	<i>Large-Fast-Food Limited- Restaurant</i>	§ 790.90	<i>P</i>		
721.44	<i>Small Self-Service Restaurant</i>	§ 790.91	<i>C</i>		
721.67	<i>Video Store</i>	§ 790.135	<i>€</i>	<i>€</i>	
721.69A	<i>Self-Service Specialty Food</i>	§ 790.93	<i>€</i>		

SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.

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

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

§ 722.40 -	§ 790.102(n) -	NORTH BEACH SPECIALTY RETAIL USES Boundaries: North Beach NCD 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)
§§ 722.42, 722.43	§ 780.3	NORTH BEACH SPECIAL USE DISTRICT Boundaries: North Beach NCD Controls: Full-service r Restaurants and small

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<p>722.44, 722.41</p>		<p>self-service-limited-restaurants as defined in Sections 790.92 <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 full-service restaurant, small-self-service <u>limited</u>-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 Controls) that has been discontinued or abandoned pursuant to Section 186.1(d) or Section 178(d) of this Code.</p>
<p>§§ 722.42, 722.44</p>	<p>§§ 790.92, 790.91</p>	<p>NORTH BEACH LIQUOR LICENSES FOR FULL-SERVICE AND SMALL SELF-SERVICE RESTAURANTS Boundaries: North Beach NCD</p>

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		<p>Controls:</p> <p>—(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.</p> <p>—(b) (a) In order to allow <i>full-service</i> 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 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 § 790.92 <u>790.91</u> and (B) a 'bona-fide eating place' as defined in § 790.142; and</p>
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		<p>(2) 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>(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).</p>
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SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE

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

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

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

724.42	<i>Full-Service Restaurant</i>	§ 790.92	€		
724.43	<i>Large Fast Food Limited-</i>	§ 790.90	<u>P</u>		

	Restaurant				
724.44	<i>Small Self-Service</i> Restaurant	§ 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	€#		
725.43	<i>Large Fast Food Limited- Restaurant</i>	§ 790.90	P#		
725.44	<i>Small Self-Service</i> Restaurant	§ 790.91	C#		
725.67	<i>Video Store</i>	§ 790.135	€	€	
725.69A	<i>Self-Service Specialty Food</i>	§ 790.93	€#		

SPECIFIC PROVISIONS FOR THE UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7		
Code	Other Code	
Section	Section	Zoning Controls

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<p>§ 725.42 725.44</p>	<p>§ 790.92-790.91</p>	<p>UNION STREET FULL-SERVICE RESTAURANTS</p> <p>Boundaries: Applicable to the Union Street Neighborhood Commercial District</p> <p>Applicability: 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>Controls: The Planning Commission may approve a full-service 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 Planning Commission finds that an additional full-service restaurant would not result in a net total of more than 32 full-service <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</p>
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		but not limited to significant alterations, modifications, and intensifications of use.
<p>§ 725.44 and 725.69B</p>	<p>§ 790.91 790.93</p>	<p>SMALL SELF-SERVICE RESTAURANTS AND SELF-SERVICE SPECIALTY FOOD USES</p> <p>Boundaries: Applicable to the Union Street Neighborhood Commercial District</p> <p>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 Neighborhood Commercial District.</p>

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

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

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

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

SEC. 710 NEIGHBORHOOD COMMERCIAL CLUSTER NC-1 DISTRICT.

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

<i>727.42</i>	<i>Full-Service Restaurant</i>	<i>§ 790.92</i>	<i>€</i>		
727.43	<i>Large Fast Food Limited- Restaurant</i>	§ 790.90	<i>P</i>		
727.44	<i>Small Self-Service Restaurant</i>	§ 790.91	<i>C</i>		
<i>727.67</i>	<i>Video Store</i>	<i>§ 790.135</i>	<i>€</i>	<i>-</i>	<i>-</i>
<i>727.69A</i>	<i>Self-Service Specialty Food</i>	<i>§ 790.93</i>	<i>€</i>		

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

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

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

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

Article 7		
Code	Other Code	
Section	Section	Zoning Controls
§ 728.40	§ 790.102(b) and (n) § 703.2(b)(1)(C)	24TH STREET - NOE VALLEY SPECIALTY RETAIL USES Boundaries: Only the area within the 24th Street - Noe Valley Neighborhood Commercial District. The controls shall not

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		<p>apply to NC-1 Districts or nonconforming uses within ¼ mile of this District asset forth in Code §§ 710.10 and 186.</p> <p>Controls: <i>Limited-Restaurants Retail coffee stores</i>, as defined in Code § <u>790.91</u> 790.102(n), <i>that are also formula retail establishments as defined in Code §703.3</i> 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).</p>
§ 728.41	§ 790.22	<p>24th STREET - NOE VALLEY LIQUOR LICENSES FOR FULL-SERVICE RESTAURANTS</p> <p>Boundaries: Applicable to the 24th Street - Noe Valley Neighborhood Commercial District</p> <p>Controls: (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</p>

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		<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 § 790.92 <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 § 790.92 <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 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>
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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
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729.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P-#	P	
729.41	Bar	§ 790.22	C		
729.42	Full Service Restaurant	§ 790.92	C		
729.43	Large Fast Food Limited- Restaurant	§ 790.90	<u>P</u>		
729.44	Small Self Service Restaurant	§ 790.91	<u>C</u>		
729.67	Video Store	§ 790.135	C	C	
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	<i>Boundaries: The entire West Portal Neighborhood Commercial District Controls: A retail coffee store or other non- alcoholic beverage store as defined by Subsection</i>

		<p><i>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>
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SEC. 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

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

730.42	<i>Full-Service Restaurant</i>	§ 790.92	€		
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	€	-	
730.69A	<i>Self-Service Specialty Food</i>	§ 790.93	€		

1 **SEC. 731. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**

2 **NCT-3 ZONING CONTROL TABLE**

No.	Zoning Category	§ References	NCT-3		
			Controls by Story		
		§ 790.118	1st	2nd	3rd
731.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P-#	P-#	P-#
<i>731.42</i>	<i>Full-Service Restaurant</i>	<i>§ 790.92</i>	<i>P</i>	<i>P</i>	-
731.43	<i>Large Fast Food Limited-Restaurant</i>	§ 790.90	<i>€#P</i>	<i>€#P</i>	-
731.44	<i>Small Self-Service Restaurant</i>	§ 790.91	P-#	P-#	-
<i>731.67</i>	<i>Video Store</i>	<i>§ 790.135</i>	<i>€</i>	<i>€</i>	<i>€</i>
<i>731.69A</i>	<i>Self-Service Specialty Food</i>	<i>§ 790.93</i>	<i>P#</i>	<i>P#</i>	-

18 **SEC. 732. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT**

19 **ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Pacific Avenue <i>NCD</i>		
			Controls by Story		
		§ 790.118	1st	2nd	3rd
<i>732.42</i>	<i>Full-Service Restaurant</i>	<i>§ 790.92</i>	<i>€</i>		

<i>732.42</i>	<i>Full-Service Restaurant</i>	<i>§ 790.92</i>	<i>€</i>		
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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	<i>Full Service Restaurant</i>	§ 790.92	€	-	-
733.43	<i>Large Fast Food Limited- Restaurant</i>	§ 790.90	<u>P</u>	-	-
733.44	<i>Small Self-Service Restaurant</i>	§ 790.91	<u>C</u>	-	-
733.67	<i>Video Store</i>	§ 790.135	€	€	-
733.69A	<i>Self-Service Specialty Food</i>	§ 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
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733A.42	Full Service Restaurant	§ 790.92	P#		
733A.43	Large Fast Food <u>Limited</u> - Restaurant	§ 790.90	P#		
733A.44	Small Self-Service Restaurant	§ 790.91	C P #		
733A.67	Video Store	§ 790.135	C		
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 § 733A.42 <u>733A.43</u>		Boundaries: All NCT-1 Districts Controls: 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		Boundaries: All NCT-1 Districts Controls: 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
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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
<i>734.42</i>	<i>Full-Service Restaurant</i>	<i>§ 790.92</i>	<i>P</i>	-	-
734.43	<i>Large Fast Food Limited-</i> Restaurant	§ 790.90	<i>€ P</i>		
734.44	<i>Small Self-Service</i> Restaurant	§ 790.91	<i>P</i>		
<i>734.67</i>	<i>Video Store</i>	<i>§ 790.135</i>	<i>€</i>	<i>€</i>	
<i>734.69A</i>	<i>Self-Service Specialty Food</i>	<i>§ 790.93</i>	<i>P</i>		

SEC. 735. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

ZONING CONTROL TABLE

No.	Zoning Category	§ References	SoMa		
			Controls by Story		
		§ 790.118	1st	2nd	3rd
<i>735.42</i>	<i>Full-Service Restaurant</i>	<i>§ 790.92</i>	<i>P</i>		

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

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	<u>P</u>		
736.44	<i>Small Self-Service Restaurant</i>	§ 790.91	C <u>P</u>		
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	§	Ocean Avenue
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		References	Controls by Story		
		§ 790.118	1st	2nd	3rd

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

1 defined in Section 780.3(b), or by a permitted principal use under Section 722 (North Beach
2 Controls); or (2) a vacant space last occupied by a nonconforming use or a permitted
3 conditional use under Section 722 (North Beach Controls) that has been discontinued or
4 abandoned pursuant to Section 186.1(d) or Section 178(d) of this Code.

5 (b) For purposes of this Section, a Basic Neighborhood Sale or Service shall mean a
6 use within the North Beach Neighborhood Commercial District that provides goods and/or
7 services which are needed by residents and workers in North Beach and surrounding
8 neighborhoods. Basic Neighborhood Sales or Services shall be considered to include, but not
9 be limited to the following goods and/or services: Other Retail Sales and Services as defined
10 in Section 790.102, Personal Services as defined in Section 790.116, Medical Services as
11 defined in Section 790.114, Liquor Stores as defined in Section 790.55, Video Stores as
12 defined in Section 790.135, Trade Shops as defined in Section 790.124; and Animal Hospitals
13 as defined in Section 790.6, ~~and Self-Service Specialty Food use as defined in Section 790.93.~~

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

15 In order to preserve the mix and variety of goods and services provided to the Sunset
16 neighborhoods and City residents, prevent further proliferation of restaurant uses and prevent
17 further aggravation of parking and traffic congestion in this district, there shall be an Irving
18 Street Restaurant ~~and Fast-Food~~ Subdistrict, generally applicable for the NC-2-zoned portion
19 of Irving Street located between 19th and 27th Avenues, as designated on Sectional Maps
20 5SU and 6SU of the Zoning Map. The following provisions shall apply within such subdistrict:

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

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

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

4 **SEC. 781.5. MISSION STREET FORMULA RETAIL RESTAURANT FAST-FOOD**
5 **SUBDISTRICT.**

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

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

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

19 ~~(c)~~ (b) The provisions of Sections 180 through 186.1 of this Code shall govern ~~large~~
20 ~~fast-food~~ Formula Retail Limited-Restaurants and Restaurants which existed lawfully at the
21 effective date of this Code in this subdistrict.

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

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 the Haight-Ashbury
25 neighborhood. A concentration of alcoholic beverage establishments in a neighborhood

1 disrupts the desired mix of land uses that contribute to a livable neighborhood and
2 discourages more desirable and needed commercial uses in the area. A concentration of
3 establishments selling alcoholic beverages in an area may therefore contribute to the
4 deterioration of the neighborhood and to the concomitant devaluation of property and
5 destruction of community values and quality of life. These effects contribute to peace, health,
6 safety and general welfare problems in these areas, including loitering, littering, public
7 drunkenness, driving while intoxicated, defacement and damaging of structures, pedestrian
8 obstructions, as well as traffic circulation, parking and noise problems on public streets and
9 neighborhood lots, and other nuisance activities. The existence of such problems creates
10 serious impacts on the health, safety and welfare of residents of nearby single- and multiple-
11 family areas. These impacts include fear for the safety of children, elderly residents and
12 visitors to the area.

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

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

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

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

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

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

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

16 (4) Continuation of existing Prohibited Liquor Establishments. In the Haight Street
17 Alcohol RUSD, any Prohibited Liquor Establishment may continue in accordance with
18 Planning Code Section 180 through 186.2, subject to the following provisions. For purposes of
19 this Section, the Haight Street Alcohol RUSD shall be considered to include, pursuant to
20 Section 186 of this Code and to the Special Provisions for NC-1 Districts, the area within ¼-
21 mile of the Haight Street Alcohol RUSD as mapped.

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

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

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

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

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

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

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

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

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

3 (b) **Definitions.**

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

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

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

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

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

24 **SEC. 787. 1800 MARKET STREET COMMUNITY CENTER PROJECT SPECIAL USE**
25 **DISTRICT.**

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

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

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

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

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

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

25 **SEC. 790.22. BAR.**

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

9 Such businesses shall operate with the specified conditions below:

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

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

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

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

1 For information about compliance with the construction noise, contact the Department of
2 Building Inspection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 ~~(c) It may provide off-site beer, wine, and/or liquor sales for consumption off the premises~~
13 ~~(with ABC licenses 20 or 21) or on-site beer and/or wine sales for drinking on the premises (with ABC~~
14 ~~licenses 40, 41 or 60). If it serves liquor for drinking on the premises (with ABC licenses 47 or 48), or~~
15 ~~does not admit minors (with ABC licenses 42 or 61), then it shall also be considered a bar, as defined~~
16 ~~in Section 790.22 of this Code.~~

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

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

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

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

24 A retail eating and/or drinking use which serves food and/or drinks to customers for
25 consumption on or off the premises, that may or may not have seating. It may operate as a Take-Out

1 Food use as defined under Planning Code Section 790.122. It may not provide any on-site sales of
2 beer, wine or liquor, but may provide off-site sale of beer or wine as an accessory use. It is distinct and
3 separate from the Restaurant definition, as defined in Section 790.91 of this Code.

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

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

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

15 For information about compliance, contact Bureau of Street Use and Mapping, Department of
16 Public Works,

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

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

24 For information about compliance with the construction noise, contact the Department of
25 Building Inspection,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 ~~(b) It may provide off-site beer, wine and/or liquor sales for consumption off the premises (with~~
12 ~~ABC licenses 20 or 21) or on-site beer and/or wine sales for drinking on the premises (with ABC~~
13 ~~licenses 40, 41 or 60). If it serves liquor for drinking on the premises (with ABC licenses 47 or 48) or~~
14 ~~does not admit minors (with ABC licenses 42 or 61), then it shall also be considered a bar, as defined~~
15 ~~in Section 790.22 of this Code.~~

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

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

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

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

23 ~~(d) It shall not be required to operate within an enclosed building pursuant to Section~~
24 ~~703.2(b)(1) so long as it is also a Mobile Food Facility as defined in Section 102.31. Any associated~~

1 ~~outdoor seating and/or dining area is subject to regulation as an Outdoor Activity Area as set forth~~
2 ~~elsewhere in this Code.~~

3 A retail eating or eating and drinking use which serves prepared, ready-to-eat cooked foods to
4 customers for consumption on or off the premises and which has seating. It may have a Take-Out Food
5 use as defined by Planning Code Section 790.122 as a minor and incidental use. It may provide on-site
6 beer and/or wine sales for drinking on the premises (with ABC licenses 40, 41 or 60). If it serves liquor
7 for drinking on the premises (with ABC licenses 47 or 48), or does not admit minors (with ABC licenses
8 42 or 61), then it shall also be considered a bar, as defined in Section 790.22 of this Code. It is distinct
9 and separate from the Restaurant-Limited definition, as defined in Sections 790.90 of this Code.

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

14 Such businesses shall operate with the specified conditions below:

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

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

23 When located within an enclosed space, the premises shall be adequately soundproofed or
24 insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in
25

1 other sections of the building and fixed-source equipment noise shall not exceed the decibel levels
2 specified in the San Francisco Noise Control Ordinance.

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

6 For information about compliance with the construction noise, contact the Department of
7 Building Inspection,.

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

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

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

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

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

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

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

- 1 (a) General groceries. As used herein, general groceries means:
- 2 (1) An individual retail food establishment that:
- 3 (A) Offers a diverse variety of unrelated, non-complementary food and non-food
- 4 commodities, such as beverages, dairy, dry goods, fresh produce and other perishable items,
- 5 frozen foods, household products, and paper goods;
- 6 (B) May provide beer, wine, and/or liquor sales for consumption off the premises with a
- 7 California Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) or type
- 8 21 (off-sale general) within the accessory use limits as set forth in Section 703.2(b)(1)(C)(vi);
- 9 (C) Prepares minor amounts or no food on-site for immediate consumption; and
- 10 (D) Markets the majority of its merchandise at retail prices.
- 11 (b) Specialty groceries. As used herein, specialty groceries means:
- 12 (1) An individual retail food establishment that:
- 13 (A) Offers specialty food products, such as baked goods, pasta, cheese, confections,
- 14 coffee, meat, seafood, produce, artisanal goods and other specialty food products, and may
- 15 also offer additional food and non-food commodities related or complementary to the specialty
- 16 food products;
- 17 (B) May provide beer, wine, and/or liquor sales for consumption off the premises with a
- 18 California Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) or type
- 19 21 (off-sale general) within the accessory use limits as set forth in Section 703.2(b)(1)(C)(vi);
- 20 (C) Prepare minor food amounts or no food on-site for immediate consumption; and
- 21 (D) Market the majority of its merchandise at retail prices.
- 22 (c) Pharmaceutical drugs and personal toiletries;
- 23 (d) Personal items such as tobacco and magazines;
- 24
- 25

1 (e) Self-service laundromats and dry cleaning, where no portion of a building occupied
2 by such use shall have any opening other than fixed windows and exits required by law within
3 50 feet of any R District;

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

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

7 (h) Florists and plant stores;

8 (i) Apparel and accessories;

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

10 (k) Home furnishings, furniture and appliances;

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

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

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

15 ~~(1) A retail drinking use which provides ready-to-drink coffee and/or other nonalcoholic~~
16 ~~beverages for consumption on or off the premises, which may or may not provide seating. Its intended~~
17 ~~design is not to serve prepared ready-to-eat food for consumption on or off the premises, except where~~
18 ~~a conditional use is granted for an exception in the West Portal NCD pursuant to the "Specific~~
19 ~~Provisions for the West Portal District." Such use exhibits the following characteristics:~~

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

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

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

1 ~~(D) Beverages are ordered and served at a customer service counter,~~

2 ~~(E) Beverages are paid for prior to consumption,~~

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

5 ~~(G) Beverages are available upon a short waiting time,~~

6 ~~(H) Equipment to prepare beverages for consumption,~~

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

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

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

14 ~~It may include any use permitted for specialty grocery, as defined in Section 790.102(b), but if~~
15 ~~so, such use shall not include accessory take-out food activity, as described in Section 703.2(b)(1)(C) of~~
16 ~~this Code, except to the extent permitted by this Subsection 790.102(n). It is distinct and separate from~~
17 ~~a small self-service or large fast food restaurant, as defined in Section 790.90 and 790.91 of this Code,~~
18 ~~or a full-service restaurant as defined in Section 790.92 of this Code.~~

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

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

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

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

1 This Section excludes tourist motels, as distinguished from tourist hotels in Section
 2 790.46 of this Code, amusement game arcades as defined in Section 790.4 of this Code and
 3 household goods self-storage facilities, which are included in storage as defined in Section
 4 790.117 of this Code. It also excludes the sale of heating fuel and the sale or rental of
 5 commercial equipment (excluding office equipment) and construction materials, other than
 6 paint, fixtures and hardware.

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

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

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

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

19 803.2.41	Bar	§ 890.22 <u>790.22</u>
20 803.2.42	Full-Service Restaurant	§ 890.92
21 803.2.43	Fast-Food Limited-Restaurant –Small	§ 890.90 <u>790.90</u>
22 803.2.44	Fast-Food-Restaurant –Large	§ 890.91 <u>790.91</u>
23 803.2.45	Take-Out Food	§ 890.122

1
2 **SEC. 803.6. FORMULA RETAIL USES IN THE CHINATOWN MIXED USE**
3 **DISTRICTS AND IN THE WESTERN SOMA PLANNING AREA SPECIAL USE DISTRICT. 1**
4

5 (b) Formula Retail Uses.

6 (1) Formula Retail Uses Permitted as a Conditional Use. Formula retail uses are
7 permitted in the Western SoMA Planning Area Special Use District, the Chinatown
8 Community Business District and the Chinatown Residential Neighborhood Commercial
9 District only as a conditional use. When considering an application for a conditional use permit
10 under this Section, the Planning Commission shall consider the criteria defined in Section
11 303(i) of this Code.

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

16 (c) Formula Retail Use Defined. Formula retail use is hereby defined as a type of retail
17 sales activity or retail sales establishment which, along with eleven or more other retail sales
18 establishments located in the United States, maintains two or more of the following features: a
19 standardized array of merchandise, a standardized façade, a standardized décor and color
20 scheme, a uniform apparel, standardized signage, a trademark or a servicemark.
21

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

23 The Chinatown Community Business District, located in the northeast quadrant of San
24 Francisco, extends along Broadway from the eastern portal of the Broadway Tunnel to
25 Columbus Avenue and along Kearny Street from Columbus to Sacramento Street. This district

1 also includes portions of Commercial Street between Montgomery Street and Grant Avenue
 2 and portions of Grant Avenue between Bush and California Streets. It is part of the larger core
 3 area of Chinatown.

4 The portions of Broadway, Kearny and Commercial Streets and Grant Avenue in this
 5 district are transitional edges or entries to Chinatown. North and east of the two blocks of
 6 Broadway contained in this district are North Beach and the Broadway Entertainment Districts.
 7 Kearny and Columbus Streets are close to intensive office development in the Downtown
 8 Financial District. Both Grant Avenue and Commercial Street provide important pedestrian
 9 entries to Chinatown. Generally, this district has more potential for added retail and
 10 commercial development than other parts of Chinatown.

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

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

18  **Table 810**

19 **CHINATOWN COMMUNITY BUSINESS DISTRICT**
 20 **ZONING CONTROL TABLE**

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

--	--	--	--	--	--

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

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.

This district is intended to preserve the street's present character and scale and to accommodate uses primarily appealing to visitors (e.g. tourist gifts shops, jewelry stores, art goods, large restaurants. In order to promote continuous retail frontage, entertainment, financial services, medical service, automotive and drive-up uses are restricted. Most commercial uses, except financial services are permitted on the first two stories. Administrative services, (those not serving the public) are prohibited in order to prevent encroachment from downtown office uses. There are also special controls on fast-food

1 restaurants and tourist hotels. Building standards protect and complement the existing small-
 2 scale development and the historic character of the area.

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

6  **Table 811**

7 **CHINATOWN VISITOR RETAIL DISTRICT**
 8 **ZONING CONTROL TABLE**

			Chinatown Visitor Retail District		
			Controls by Story		
			1st	2nd	3rd+
No.	Zoning Category	§ References			

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

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

24 The Chinatown Residential Neighborhood Commercial District extends along Stockton
 25 Street between Sacramento and Broadway and along Powell Street between Washington

1 Street and Broadway. It is generally west and uphill from Grant Avenue and is close to the
 2 relatively intensely developed residential areas of lower Nob and Russian Hills. Stockton
 3 Street is a major transit corridor which serves as "Main Street" for the Chinatown
 4 neighborhood. Both Stockton and Powell Streets contain a significant amount of housing as
 5 well as major community institutions supportive to Chinatown and the larger Chinese
 6 community. This daytime-oriented district provides local and regional specialty food shopping
 7 for fresh vegetables, poultry, fish and meat. Weekends are this area's busiest shopping days.

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

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

18  **Table 812**

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

			Chinatown Residential Neighborhood Commercial District
			Controls by Story

No.	Zoning Category	§ References	1st	2nd	3rd+
.41	Bar	§ 890.22 <u>790.22</u>	C		
.42	<i>Full-Service Restaurant</i>	§ 890.92	P		
.43	<i>Fast Food Limited-Restaurant (Small)</i>	§ 890.90 <u>790.90</u>	C		
.44	<i>Fast Food Restaurant (Large)</i>	§ 890.91 <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 are conditional uses. Hotels, motels, movie theaters, adult entertainment and nighttime entertainment are not permitted.

 **Table 814**

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

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

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

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

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

General office, hotels, nighttime entertainment, adult entertainment, massage establishment, movie theaters and heavy industrial uses are not permitted, except that massages services are authorized as a conditional use in the Residential/Service Mixed Use 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,	§ 890.104	P, pursuant to § 803.8(c)

	<i>Full Service and Fast Food Limited -Restaurants, Restaurants, Take-Out Food Services, and Personal Services</i>		
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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 would be protected from demolition or conversion to nonresidential use by requiring conditional use review.

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

 **Table 816**

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

			Service/Light Industrial/
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			Residential Mixed Use District
No.	Zoning Category	§ References	Controls

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

The Service/Light Industrial (SLI) District is designed to protect and facilitate the expansion of existing general commercial, manufacturing, home and business service, live/work use, arts uses, light industrial activities and small design professional office firms. Existing group housing and dwelling units are protected from demolition or conversion to nonresidential use and development of group housing and low-income affordable dwelling units are permitted as a conditional use. General office, hotels, movie theaters, nighttime entertainment and adult entertainment uses are not permitted.

 **Table 817**

SLI - SERVICE/LIGHT INDUSTRIAL DISTRICT

ZONING CONTROL TABLE

			Service/Light Industrial District
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No.	Zoning Category	§ References	Controls
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817.31	All Retail Sales and Services which are not Office Uses or prohibited by § 803.4, including Bars, Full Service and Fast Food Limited - Restaurants , Restaurants, Take-Out Food Services , and Personal Services	§ 890.104	P
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SEC. 818. SSO - SERVICE/SECONDARY OFFICE DISTRICT.

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

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

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

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

Table 840

**MUG - MIXED USE - GENERAL DISTRICT
ZONING CONTROL TABLE**

			Mixed Use - General District
No.	Zoning Category	§ References	Controls
840.47	Bar	§ 890.22 <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

1 Code, including non-substantive changes such as renumbering or relettering, to ensure that
2 the published version of the Planning Code is consistent with the laws that this Board enacts.

3

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

6

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

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9 By: _____
10 JUDITH A. BOYAJIAN
11 Deputy City Attorney

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