

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

2

3 **Ordinance: 1) deleting and amending various sections of the San Francisco Planning**
4 **Code to simplify and consolidate eating and drinking establishment definitions, and**
5 **subject the newly-defined uses to Section 312 notification and Formula Retail controls;**
6 **and 2) adding Section 703.5 to establish operating conditions for Bars and**
7 **Restaurants; and 3) adopting environmental findings, Planning Code Section 302**
8 **findings, and findings of consistency with the General Plan and the Priority Policies of**
9 **Planning Code Section 101.1.**

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

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

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

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

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

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

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

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

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

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

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

23 ~~*It may provide on-site beer and/or wine sales for drinking on the premises (with ABC licenses*~~
24 ~~*40, 41 or 60). If it serves liquor for drinking on the premises (with ABC licenses 47 or 48), or does not*~~

1 ~~admit minors (with ABC licenses 42 or 61), then it shall also be considered a bar, as defined in Section~~
2 ~~790.22 of this Code.~~

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

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

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

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

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

1 **~~SEC. 790.135. VIDEO STORE.~~**

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

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

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

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

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

19 ~~(1) Contains fewer than 50 seats and less than 1,500 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;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Section 3. The San Francisco Planning Code is hereby amended by amending Sections 145.4, 178(d), 186.1(c) and (d), 249.40A, 249.60(e)(3), 303(i)(2) and (p), 305(a), 312(c), 702.3, 703.2, 703.3(c) and (e), 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 733A, 734, 735, 736, 737, 780.3, 781.1, 781.2, 781.5, 781.9, 787, 790.22, 790.34, 790.90, 790.91, 790.102, 803.2, 803.6(b)(2) and (c)(9), 810.1, 811.1, 812.1, 814, 815, 816, 817, 818, and 840, to read as follows:

SEC. 145.4. REQUIRED GROUND FLOOR COMMERCIAL USES.

Table 145.4

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

| | | | | |
|----|---------------------------------|---------------------------------|------------------------------|--|
| 1 | | | Use | |
| 2 | 790.38 | 890.37 | Entertainment, Other | |
| 3 | N/A | 890.39 | Gift Store-Tourist | |
| 4 | | | Oriented | |
| 5 | 790.50, 790.51 | 890.50 | Institutions, Other | |
| 6 | | | (see qualification, | |
| 7 | | | above) | |
| 8 | N/A | 890.51 | Jewelry Store | |
| 9 | 790.68 | 890.68 | Neighborhood- | |
| 10 | | | Serving Business | |
| 11 | N/A | 890.69 | Non-Auto Vehicle | |
| 12 | | | Sales or Rental (see | |
| 13 | | | qualification, above) | |
| 14 | 790.70 | 890.71 | Outdoor Activity Area | |
| 15 | 790.80 | 890.80 | Public Use (see | |
| 16 | | | qualification, above) | |
| 17 | 790.91 <u>790.90</u> | 890.90 <u>790.90</u> | <i>Limited-Restaurant,</i> | |
| 18 | | | <i>Fast Food (Small)</i> | |
| 19 | 790.90 <u>790.91</u> | 890.91 <u>790.91</u> | Restaurant, <i>Fast Food</i> | |
| 20 | | | <i>(Large)</i> | |
| 21 | 790.92 | 890.92 | <i>Restaurant, Full-</i> | |
| 22 | | | <i>Service</i> | |
| 23 | 790.93 | N/A | <i>Specialty Food, Self-</i> | |
| 24 | | | <i>Service</i> | |
| 25 | 790.102 | 890.102 | Sales and Service, | |

| | | | |
|---------|-----------------------------------|-------------------------------|--|
| | | Other Retail | |
| 790.104 | 890.104 | Sales and Services, Retail | |
| 790.110 | 890.110 | Service, Financial | |
| 790.112 | 890.112 | Service, Limited Financial | |
| 790.114 | 890.114 | Service, Medical | |
| 790.116 | 890.116 | Service, Personal | |
| 790.122 | 890.122 <u>790.122</u> | Take-Out Food | |
| 790.124 | 890.124 | Trade Shop | |
| 790.140 | 890.140 | Walk-Up Facility | |

SEC. 178. CONDITIONAL USES.

(d) Abandonment. A permitted conditional use which is discontinued for a period of three years, or otherwise abandoned, shall not be restored, except upon approval of a new conditional use application pursuant to the provisions of Article 3 of this Code. For purposes of this Subsection, the period of nonuse for a permitted conditional use to be deemed discontinued in the North Beach, Castro Street Neighborhood Commercial Districts, and the Jackson Square Special Use District shall be eighteen (18) months, except that in the North Beach Neighborhood Commercial District, the period of non use for a ~~full-service~~ Restaurant use, as defined in Section 790.91, to be deemed discontinued shall be three years.

SEC. 186.1. EXEMPTION OF NONCONFORMING USES IN NEIGHBORHOOD COMMERCIAL DISTRICTS.

(c) Changes in Use. A nonconforming use may be changed to another use or feature as described below.

1 (1) A nonconforming use may be changed to a use listed in Article 7 of this Code
2 as a principal use for the district in which the property is located, and the new use may
3 thereafter be continued as a permitted principal use.

4 (2) A nonconforming use may be changed to a use listed in Article 7 of this Code
5 as a conditional use for the district in which the use is located, only upon approval of a
6 conditional use application pursuant to the provisions of Article 3 of this Code, and the new
7 use may thereafter be continued as a permitted conditional use, subject to the provisions of
8 Section 178 of this Code.

9 (3) A nonconforming use may be changed to a use which is not permitted in that
10 Neighborhood Commercial District as described below, only upon approval of a conditional
11 use application, pursuant to the provisions of Article 3 of this Code:

12 (A) Any use described in zoning categories .41, ~~.42~~, .43 or .44, as defined in
13 Sections 790.22, 790.92, 790.90 and 790.91, respectively, may change to another use
14 described in zoning categories .41, ~~.42~~, or .44, even though such other use is not permitted in
15 that Neighborhood Commercial District, unless such other use is located in an Alcohol
16 Restricted Use Subdistrict and is prohibited by the provisions governing that Alcohol
17 Restricted Use Subdistrict.

18 (B) Any use described in zoning categories .51, .52 or .53, as defined in Sections
19 790.114, 790.116 and 790.108 respectively, may change to another use described in zoning
20 categories .51, .52 or .53, even though such other use is not permitted in that Neighborhood
21 Commercial District.

22 (C) Any use described in zoning categories .57, .58 or .59, as defined in Sections
23 790.14, 790.17 and 790.15 respectively, may be demolished and reconstructed as the same
24 use or may change to another use described in zoning categories .57, .58 or .59, even though
25 such other use is not permitted in that Neighborhood Commercial District.

1 The new use shall still be classified as a nonconforming use.

2 The changes in use described in this Paragraph 3 shall include remodeling activities
3 involving the demolition and replacement of structures which result in a change of use.

4 (4) In the North Beach Neighborhood Commercial District, any use that exceeds
5 the use size provisions of Section 121.2(a) or 121.2(b) may be changed to a new use only
6 upon the approval of a new conditional use application. The Commission's approval of such
7 conditional use application shall explicitly address the use size findings of Section 303(c). In
8 the North Beach Neighborhood Commercial District, a nonconforming use cannot be changed
9 to any use which is not a permitted use under Section 722 (North Beach Controls).

10 (5) In the Castro Street Neighborhood Commercial District, any use in this district
11 that exceeds the maximum use size limit of Section 121.2(b), may be not changed to a new
12 use. The only method for changing a nonconforming use identified in this Subsection is to
13 reduce the nonconforming use:

14 (A) to a conforming use size or

15 (B) to a size specified in Subsection 121.2(a) pursuant to conditional use
16 authorization.

17 Notwithstanding the above, any use in this District that exceeds the maximum use size
18 limit of Section 121.2(b) and is categorized in the Other Retail Sales and Services zoning
19 classification, as defined in Section 790.102, may change to another use category
20 enumerated in Section 790.102 as long as the use size is not increased and the Commission
21 approves a conditional use application for such change. The Commission's approval of such
22 conditional use application shall explicitly address the use size findings of Section 303(c).

23 (d) **Discontinuance.** A nonconforming use which is discontinued for a period of three
24 years, or otherwise abandoned or changed to another use which is listed in Article 7 of this
25 Code as a principal or conditional use for the district in which the use is located shall not be

1 reestablished. For purposes of this Subsection, the period of nonuse for a nonconforming use
2 to be deemed discontinued in the North Beach and Castro Street Neighborhood Commercial
3 Districts, and in the Haight Street Neighborhood Commercial District, the Lower Haight Street
4 Tobacco Paraphernalia Restricted Use Subdistrict, and the Polk Street Neighborhood
5 Commercial District for Tobacco Paraphernalia Establishments, as defined in Sections 227(v)
6 and 790.123 of this Code, only, shall be eighteen (18) months, except in the North Beach
7 Neighborhood Commercial District, the period of non use for a ~~full-service~~ θ .

8 Restaurant use, as defined in Section 790.91, to be deemed discontinued shall be
9 three years.

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

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

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

21 (c) **Controls.**

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

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

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

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

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

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

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

21 There is an unusually large number of establishments dispensing alcoholic beverages,
22 including beer and wine, for both on-site and off-site consumption in this area. The existence
23 of this many alcoholic beverage establishments appears to contribute directly to numerous
24 peace, health, safety and general welfare problems in the area, including loitering, littering,
25 drug trafficking, prostitution, public drunkenness, defacement and damaging of structures,

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

15 The following restrictions shall apply within such district:

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

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

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

22 An "off-sale liquor establishment" shall mean any establishment that is defined in Section
23 790.55 of this Code.

24 (b) **Prohibition of Expansion of Existing Establishments Selling Alcoholic**
25 **Beverages.** Any establishment selling alcoholic beverages lawfully existing prior to the

1 effective date of this resolution and licensed by the State of California for the retail sale of
2 alcoholic beverages for on-site and off-site consumption, so long as otherwise lawful, may
3 continue in existence, provided such establishment remains in use, as follows:

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

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

12 (c) **Exceptions.**

13 (1) **Bona Fide Eating Place Restaurant.** A bona fide ~~r~~Restaurant Use, as defined in
14 Section 790.61, operating as a Bona Fide Eating Place, as defined in Section 790.142, shall
15 be permitted to serve alcoholic beverages in this special use district. A "bona fide restaurant"
16 shall mean a place which is regularly used and kept open for the service of meals to guests
17 for compensation and which has (1) suitable kitchen facilities for the cooking of an assortment
18 of foods which may be required for meals, (2) a primary use of sit-down service to patrons, (3)
19 adequate seating arrangements for sit-down patrons provided on the premises, (4) take-out
20 service that is only incidental to the primary sit-down use, (5) alcoholic beverages which are
21 sold or dispensed for consumption on the premises only when served at tables or sit-down
22 counters by employees of the restaurant, and (6) a minimum of 51 percent of the restaurant's
23 gross receipts shall be from the sale of meals. A "bona fide restaurant" does not include any
24 billiard or pool hall, bowling alley, or adult entertainment business as defined in Planning Code
25 Section 790.36.

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

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

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

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

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

2 **(i) (2) "Retail sales activity or retail sales establishment."** A retail sales activity or
3 retail sales establishment shall include the following uses, as defined in Article 7 and Article 8
4 of this Code: "Bar," "bar," "Drive-up Facility," "Eating and Drinking Use," "Liquor Store,"
5 "restaurant, large fast food," "restaurant, small self-service," "restaurant, full-service," "Sales and
6 Service, Other Retail," "Restaurant," "Limited-Restaurant," "Take-Out Food," "Sales and
7 Service, Retail," "Movie Theatre," "video store," and "Amusement and Game Arcade,"
8 "take-out food," and "specialty food, self-service."

9 **(p) Eating and Drinking Uses**

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

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

19 **SEC. 305. VARIANCES.**

20 **(a) General.** The Zoning Administrator shall hear and make determinations regarding
21 applications for variances from the strict application of quantitative standards in this Code. He
22 shall have power to grant only such variances as may be in harmony with the general purpose
23 and intent of this Code and in accordance with the general and specific rules contained
24 herein, and he shall have power to grant such variances only to the extent necessary to
25 overcome such practical difficulty or unnecessary hardship as may be established in

1 accordance with the provisions of this Section. No variance shall be granted in whole or in
2 part which would have an effect substantially equivalent to a reclassification of property; or
3 which would permit any use, any height or bulk of a building or structure, or any type or size or
4 height of sign not expressly permitted by the provisions of this Code for the district or districts
5 in which the property in question is located; or which would grant a privilege for which a
6 conditional use procedure is provided by this Code; or which would change a definition in this
7 Code; or which would waive, reduce or adjust the inclusionary housing requirements of
8 Sections 315 through 315.9; or which would reduce or waive any portion of the usable open
9 space fees applicable under certain circumstances in the Eastern Neighborhoods Mixed Use
10 Districts pursuant to Section 135(j) and 135.3(d). If the relevant Code provisions are later
11 changed so as to be more restrictive before a variance authorization is acted upon, the more
12 restrictive new provisions, from which no variance was granted, shall apply. The procedures
13 for variances shall be as specified in this Section and in Sections 306 through 306.5.

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

16 (c) **Changes of Use.** In NC Districts, all building permit applications for a change of
17 use to a bar, as defined in Section 790.22, a liquor store, as defined in Section 790.55, a
18 walkup facility, as defined in Section 790.140, other large institutions, as defined in Section
19 790.50, other small institutions, as defined in Section 790.51, a ~~full-service~~ limited-restaurant,
20 as defined in Section ~~790.90~~ 790.92, a ~~large fast food~~ Restaurant, as defined in Section ~~790.91~~
21 ~~790.90, a small self-service restaurant, as defined in Section 790.91, a self-service specialty food use,~~
22 ~~as defined in Section 790.93~~, a massage establishment, as defined in Section 790.60, an
23 outdoor activity, as defined in Section 790.70, an adult or other entertainment use, as defined
24 in Sections 790.36 and 790.38, or a fringe financial service use, as defined in Section
25 790.111, shall be subject to the provisions of Subsection 312(d); provided, however, that a

1 change of use from a Restaurant to a Limited-Restaurant shall not be subject to the provisions of
2 Subsection 312(d). In all Eastern Neighborhoods Mixed Use Districts all building permit
3 applications for a change of use from any one land use category to another land use category
4 shall be subject to the provisions of Subsection 312(d). In addition, any accessory massage
5 use in the Ocean Avenue Neighborhood Commercial Transit District shall be subject to the
6 provisions of Subsection 312(d).

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

13 **SEC. 702.3. NEIGHBORHOOD COMMERCIAL RESTRICTED USE SUBDISTRICTS.**

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

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

| 22 | Neighborhood Commercial Restricted Use Subdistricts | Section Number |
|----|---|-----------------------|
| 23 | Taraval Street Restaurant and Fast-Food Subdistrict | § 781.1 |
| 24 | Irving Street Restaurant and Fast-Food Subdistrict | § 781.2 |
| 25 | Geary Boulevard Fast-Food <u>Formula Retail Pet Supply Store</u> | |

| | | |
|----|--|---------|
| 1 | <i>and Formula Retail Eating and Drinking</i> Subdistrict | § 781.4 |
| 2 | Mission Street <i>Formula Retail Fast-Food Restaurant</i> | |
| 3 | Subdistrict | § 781.5 |
| 4 | North Beach Financial Service, Limited Financial Service, | |
| 5 | and Business or Professional Service Subdistrict | § 781.6 |
| 6 | Chestnut Street Financial | § 781.7 |
| 7 | Haight Street Alcohol Restricted Use District | § 781.9 |
| 8 | Divisadero Street Alcohol Restricted Use District | § 783 |
| 9 | Lower Haight Street Alcohol Restricted Use District | § 784 |
| 10 | Excelsior Alcohol Special Use District | § 785 |
| 11 | Lower Haight Tobacco Paraphernalia Restricted | |
| 12 | Use District | § 786 |

SEC. 703.2. USES PERMITTED IN NEIGHBORHOOD COMMERCIAL DISTRICTS.

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

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

| | Zoning Control Categories | Section Number of |
|----|----------------------------------|--------------------------------|
| | for Uses | Use Definition |
| 22 | No. | |
| 23 | .24 | Outdoor Activity Area § 790.70 |
| 24 | .25 | Drive-Up Facility § 790.30 |
| 25 | | |

| | | | |
|----|-----|--|---------------------|
| 1 | .26 | Walk-Up Facility | § 790.140 |
| 2 | .27 | Hours of Operation | § 790.48 |
| 3 | .38 | Residential Conversion | § 790.84 |
| 4 | .39 | Residential Demolition | § 790.86 |
| 5 | .40 | Other Retail Sales and | § 790.102 |
| 6 | | Services | |
| 7 | .41 | Bar | § 790.22 |
| 8 | .42 | <i>Full-Service Restaurant</i> | § 790.92 |
| 9 | .43 | <i>Large Fast Food <u>Limited-</u></i> | § 790.90 |
| 10 | | Restaurant | |
| 11 | .44 | <i>Small Self-Service</i> Restaurant | § 790.91 |
| 12 | .45 | Liquor Store | § 790.55 |
| 13 | .46 | Movie Theater | § 790.64 |
| 14 | .47 | Adult Entertainment | § 790.36 |
| 15 | .48 | Other Entertainment | § 790.38 |
| 16 | .49 | Financial Service | § 790.110 |
| 17 | .50 | Limited Financial Service | § 790.112 |
| 18 | .51 | Medical Service | § 790.114 |
| 19 | .52 | Personal Service | § 790.116 |
| 20 | .53 | Business or Professional | § 790.108 |
| 21 | | | |
| 22 | | | |
| 23 | | | |
| 24 | | | |
| 25 | | | |

| | | | |
|----|-----------------|--|------------------------------------|
| 1 | | Service | |
| 2 | .54 | Massage Establishment | § 790.60 |
| 3 | | | |
| 4 | .55 | Tourist Hotel | § 790.46 |
| 5 | .56 | Automobile Parking | § 790.8 |
| 6 | .57 | Automotive Gas Station | § 790.14 |
| 7 | .58 | Automotive Service Station | § 790.17 |
| 8 | | | |
| 9 | .59 | Automotive Repair | § 790.15 |
| 10 | .60 | Automotive Wash | § 790.18 |
| 11 | .61 | Automobile Sale or Rental | § 790.12 |
| 12 | .62 | Animal Hospital | § 790.6 |
| 13 | | | |
| 14 | .63 | Ambulance Service | § 790.2 |
| 15 | .64 | Mortuary | § 790.62 |
| 16 | .65 | Trade Shop | § 790.124 |
| 17 | .66 | Storage | § 790.117 |
| 18 | | | |
| 19 | .67 | Video Store | § 790.135 |
| 20 | .68 | Fringe Financial Service | § 790.111 |
| 21 | .69 | Tobacco Paraphernalia | § 790.123 |
| 22 | | Establishment | |
| 23 | .69A | Self-Service Specialty Food | § 790.93 |
| 24 | | | |
| 25 | .69B | Amusement Game Arcade | § 790.04-1 <u>790.4</u> |

| | | | |
|----|------|-------------------------------|-------------|
| 1 | | (Mechanical Amusement | |
| 2 | | Devices) | |
| 3 | .69C | Neighborhood Agriculture | § 102.35(a) |
| 4 | .69D | Large-Scale Urban Agriculture | § 102.35(b) |
| 5 | .70 | Administrative Service | § 790.106 |
| 6 | .80 | Hospital or Medical Center | § 790.44 |
| 7 | .81 | Other Institutions, Large | § 790.50 |
| 8 | .82 | Other Institutions, Small | § 790.51 |
| 9 | .83 | Public Use | § 790.80 |
| 10 | .84 | Medical Cannabis Dispensary | § 790.141 |
| 11 | .85 | Service, Philanthropic | § 790.107 |
| 12 | | Administrative | |
| 13 | .90 | Residential Use | § 790.88 |
| 14 | .95 | Community Residential Parking | § 790.10 |

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

23 (1) **Permitted Uses.** All permitted uses shall be conducted within an enclosed
24 building in Neighborhood Commercial Districts, unless otherwise specifically allowed in this
25

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.

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

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

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

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

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

17 (C) **Accessory Uses.** Except as prohibited in Section 728 and subject to the
18 limitations set forth below and in Sections 204.1 (Accessory Uses for Dwelling Units in R and
19 NC Districts), 204.4 (Dwelling Units Accessory to Other Uses), and 204.5 (Parking and
20 Loading as Accessory Uses) of this Code, a related minor use which is either necessary to the
21 operation or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental
22 and subordinate to any such use, shall be permitted as an accessory use when located on the
23 same lot. Any use which does not qualify as an accessory use shall be classified as a
24 principal or conditional use, unless it qualifies as a temporary use under Sections 205 through
25 ~~205.2~~ 205.4 of this Code.

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

3 (i) The use of more than 1/3 of the total floor area occupied by such use and the
4 principal or conditional use to which it is accessory, except in the case of accessory off-street
5 parking and loading and accessory wholesaling, manufacturing or processing of foods, goods,
6 or commodities;

7 (ii) Any ~~b~~Bar, ~~r~~Restaurant, other entertainment, or any retail establishment which
8 serves liquor for consumption on-site;

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

14 (iv) Any ~~t~~Take-~~o~~Out ~~f~~Food use, as defined in Section 790.122, except for a ~~t~~Take-~~o~~Out
15 ~~f~~Food use operating as a minor and incidental use within a ~~full-service~~ ~~r~~Restaurant or ~~t~~Limited-
16 ~~r~~Restaurant use;

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

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

1 specialty grocery store, ~~or self-service specialty food use,~~ or Limited-Restaurant use (ABC
2 license type 20 only).

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

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

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

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

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

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

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

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

24 (c) **"Retail sales activity or retail sales establishment"** shall include the following
25 uses, as defined in Section 303(i)(2) Article 7 of this Code: ~~"bar," "drive-up facility," "eating~~

1 and drinking use," "liquor store," large fast food," "restaurant, small self-service," "restaurant,"
 2 full-service," "sales and service, other retail," "sales and service, retail," "movie theatre,"
 3 "video store," "amusement and game arcade," "take-out food," and "specialty food, self-
 4 service."

5 (e) **Formula Retail Use Prohibited.** Notwithstanding subsection (d), any use
 6 permitted in the Hayes-Gough Neighborhood Commercial District, or the North Beach
 7 Neighborhood Commercial District, which is also a "formula retail use" as defined in this
 8 Section, is hereby prohibited. Any ~~full-service restaurant, small self-service restaurant or self-service specialty food store~~ Restaurant, Limited-Restaurant, large fast food
 9 restaurant, ~~small self-service restaurant or self-service specialty food store~~ permitted in the
 10 Upper Fillmore Neighborhood Commercial District or the Broadway Neighborhood
 11 Commercial District which is also a "formula retail use" as defined in this Section is hereby
 12 prohibited.

13 **SEC. 710. NEIGHBORHOOD COMMERCIAL CLUSTER NC-1 DISTRICT**
 14 **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 | G-P# | | |

| | | | | | |
|---------|-----------------------------|-----------|----|--|--|
| 710.67 | Video Store | § 790.135 | € | | |
| 710.69A | Self-Service Specialty Food | § 790.93 | €# | | |

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 <u>Limited-</u> restaurants and self-service specialty food are C; large fast food <u>Formula Retail</u> † <u>Restaurants</u> and Limited † <u>Restaurants</u> are NP. |

1 **SEC. 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-2**

2 **ZONING CONTROL TABLE**

3

| | | | | | |
|-----------------|-----------------------------|------------------------------|-------------------------------|------------------|------------------|
| 4 No. | 5 Zoning Category | 6 § References | 7 NC-2 | | |
| | | | 8 Controls by Story | | |
| | | 9 § 790.118 | 10 1st | 11 2nd | 12 3rd |

7

| | | | | | |
|---|---|------------------|-------------|---|--|
| 8 <i>711.42</i> | <i>Full-Service Restaurant</i> | <i>§ 790.92</i> | <i>P #</i> | | |
| 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 711.43 | <i>Large-Fast-Food-Limited-Restaurant</i> | § 790.90 | <i>€-P#</i> | | |
| 711.44 | <i>Small-Self-Service Restaurant</i> | § 790.91 | P # | | |
| <i>711.67</i> | <i>Video Store</i> | <i>§ 790.135</i> | € | € | |
| <i>711.69A</i> | <i>Self-Service Specialty Food</i> | <i>§ 790.93</i> | <i>P#</i> | | |

16 **SPECIFIC PROVISIONS FOR NC-2 DISTRICTS**

| | | |
|---|-----------------------------------|--|
| 17 18 19 20 21 22 23 24 25 Article 7 Code Section | Other Code Section | Zoning Controls |
| § 711.42 § 711.43 § 711.44 § 711.69A | § 781.1 | TARAVAL STREET RESTAURANT AND FAST-FOOD SUBDISTRICT 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 |

| | | |
|---|---------|--|
| | | Controls: <i>Full-service</i> r <u>Restaurants</u> , <i>small self-service restaurants and self-service specialty food</i> and <u>Limited-r</u> <u>Restaurant</u> are C; <i>large fast food Formula Retail</i> restaurants <u>and Limited-r</u> <u>Restaurant</u> are NP |
| § 711.42 § 711.43 § 711.44 § 711.69A | § 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</i> r <u>Restaurants</u> <i>and specialty food</i> are C; <i>full-service restaurants and large fast food restaurants</i> are NP |

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

ZONING CONTROL TABLE

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

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

SPECIFIC PROVISIONS FOR NC-3 DISTRICTS

| Article 7 Code Section | Other Code Section | Zoning Controls |
|--|-----------------------------------|--|
| § 712.25 § 712.40 | § 249.14 | THIRD STREET SPECIAL USE DISTRICT 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 Restaurants and Limited-Restaurants <i>large fast food restaurants, small self-service restaurants and self-service specialty food</i> are C |
| § 712.40 § 712.41 § 712.43 § 712.44 § 790.34 | § 781.4 | GEARY BOULEVARD FORMULA RETAIL PET SUPPLY STORE AND FORMULA RETAIL EATING AND DRINKING SUBDISTRICT Boundaries: Applicable only for the portion of the Geary Boulevard NC-3 District between 14th and 28th Avenues as mapped on Sectional Maps 3 SU and 4 SU Controls: Formula Retail pet supply stores and formula retail eating and drinking uses are NP |
| § 712.43 § 712.44 § 712.69A | § 781.5 | MISSION STREET FAST-FOOD <u>FORMULA RETAIL RESTAURANT</u> 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 |

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| | | Controls: <u>Formula Retail Restaurants and Limited-Restaurants</u> and <u>Small self-service restaurants and self-service specialty food</u> that are also defined as formula retail are C; large fast food restaurants are NP |
| | | |

713. NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT NC-S

ZONING CONTROL TABLE

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

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|-------------------|---|----------------------|---------------|---------------|--|
| 713.42 | Full-Service Restaurant | § 790.92 | P | P | |
| 713.43 | Large Fast Food Limited- Restaurant | § 790.90 | CP | CP | |
| 713.44 | Small Self-Service Restaurant | § 790.91 | P # | P # | |
| 713.67 | Video Store | § 790.135 | C | C | |
| 713.69A | Self-Service Specialty Food | § 790.93 | P# | P# | |

SPECIFIC PROVISIONS FOR NC-S DISTRICTS

| Article 7 Code Section | Other Code Section | Zoning Controls |
|------------------------------|--------------------------|-----------------|
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|----|----------------------|---------|---|
| 1 | § 713.10 | § 253.3 | LAKESHORE PLAZA SPECIAL USE DISTRICT |
| 2 | § 713.27 | § 780.1 | Boundaries: Applicable only for the Lakeshore Plaza NC-S District as mapped on Sectional Map 13SU and 13H Controls: Special controls on various features and uses, and residential standards |
| 3 | § 713.30 | | |
| 4 | § 713.41 | | |
| 5 | § 713.44 | | |
| 6 | § 713.46 | | |
| 7 | § 713.48 | | |
| 8 | § 713.49 | | |
| 9 | § 713.51 | | |
| 10 | § 713.52 | | |
| 11 | § 713.53 | | |
| 12 | § 713.64 | | |
| 13 | § 713.69A | | |
| 14 | § 713.70 | | |
| 15 | § 713.81 | | |
| 16 | § 713.82 | | |
| 17 | § 713.90 | | |
| 18 | § 713.91 | | |
| 19 | § 713.92 | | |
| 20 | § 713.93 | | |
| 21 | § 713.95 | | |

SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

| No. | Zoning Category | § | Broadway |
|-----|-----------------|---|----------|
|-----|-----------------|---|----------|

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|--|--|-------------------|--------------------------|-----|-----|
| | | References | Controls by Story | | |
| | | § 790.118 | 1st | 2nd | 3rd |

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|--------------------|---|----------------------|----------------------------|----------------------------|---|
| 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 | P <u>C#</u> | P <u>C#</u> | |
| 714.44 | Small Self-Service Restaurant | § 790.91 | €P <u>C#</u> | €P <u>C#</u> | |
| 714.67 | Video Store | § 790.135 | € | € | |
| 714.69A | Self-Service Specialty Food | § 790.93 | P | P | - |

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

| | | |
|---------------------------------------|-----------------------------------|--|
| Article 7 Code Section | Other Code Section | Zoning Controls |
| § 714.40 | §790.102(n) | <u>BROADWAY-FORMULA RETAIL RESTAURANT AND LIMITED-RESTAURANT USES</u> <i>SPECIALTY-RETAIL USES</i> Boundaries: Broadway NCD Controls: <u>Formula Retail Restaurant and Limited-Restaurant</u> <u>Uses are NP. Retail coffee stores defined pursuant to Code-§</u> |
| <u>§ 714.43</u> | <u>§ 790.90</u> | |
| <u>§ 714.44</u> | <u>§ 790.91</u> | |

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| | | <p><i>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> |
| <p><u>§ 714.44</u></p> | <p><u>§ 790.91</u></p> | <p><u>BROADWAY LIQUOR LICENSES FOR RESTAURANTS</u></p> <p><u>Boundaries:</u> Applicable to the Broadway Neighborhood Commercial District</p> <p><u>Controls:</u> A Restaurant Use may only add ABC license types 47, 49 or 75 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 is operating as a Bona Fide Eating Place, as defined in Section 790.142 of this Code. Should a restaurant fail to operate as a Bona Fide Eating Place for any length of time, the conditional use authorization shall be subject to immediate revocation.</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 |

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|--------|---|----------|----------|--|--|
| 715.42 | <i>Full-Service Restaurant</i> | § 790.92 | | | |
| 715.43 | <i>Large Fast Food Limited-Restaurant</i> | § 790.90 | <u>P</u> | | |

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|--------------------|--|----------------------|----------|----------|--|
| 715.44 | Small Self-Service Restaurant | § 790.91 | <u>C</u> | | |
| 715.67 | Video Store | § 790.135 | <u>E</u> | <u>E</u> | |
| 715.69A | Self-Service Specialty Food | § 790.93 | <u>P</u> | | |

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

| 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 | <u>E#</u> | | |
| 716.43 | Large Fast Food Limited Restaurant | § 790.90 | <u>E#P</u> | | |
| 716.44 | Small Self-Service Restaurant | § 790.91 | <u>C #</u> | | |
| 716.67 | Video Store | § 790.135 | <u>P</u> | <u>E</u> | |
| 716.69A | Self-Service Specialty Food | § 790.93 | | | |

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

| Article 7 Code Section | Other Code Section | Zoning Controls |
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| § 716. 44 44 | § 790. 91 22 | <p>INNER CLEMENT STREET LIQUOR LICENSES FOR FULL-SERVICE RESTAURANTS</p> <p>Boundaries: Applicable to the Inner Clement Street Neighborhood Commercial District</p> <p>Controls: <u>A Restaurant Use may only add ABC license types 47, 49 or 75 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 is operating as a Bona Fide Eating Place, as defined in Section 790.142 of this Code. Should a restaurant fail to operate as a Bona Fide Eating Place for any length of time, the conditional use authorization shall be subject to immediate revocation.</u></p> <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 full-service restaurant as defined in § 790.92 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</p> |
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| | | <p>within the definition of a full-service restaurant pursuant to § 790.92, 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> <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 <u>R</u>estaurant</p> |

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| | | <p>pursuant to § 790.61 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> |
| <p>§ 716.41 and 716.42</p> | <p>§ 790.91 92 and 790.22</p> | <p>INNER CLEMENT STREET FULL SERVICE RESTAURANTS AND BARS</p> <p>Boundaries: Applicable to the Inner Clement Street Neighborhood Commercial District</p> <p>Controls: A full-service <u>R</u>estaurant or a b<u>B</u>ar 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) full-service restaurants or bars in accordance with this Section. Should a full-service 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 full-service restaurant or bar in accordance with the terms of this Section.</p> |

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

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

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

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

| Article 7 Code Section | Other Code Section | Zoning Controls |
|---|--------------------------|---|
| §§ 717.41, 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 |

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

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 | § 790.92 § 790.90 | In considering a conditional use for a full-service, large fast food, or small self-service restaurant, the Planning Commission shall |

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| 1 2 3 | 718.44 | § 790.91 | 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. |
| 4 5 6 7 8 9 | <u>§ 714.43</u> <u>§ 714.44</u> | <u>§ 790.90</u> <u>§ 790.91</u> | <u>UPPER FILLMORE FORMULA RETAIL RESTAURANT AND LIMITED-RESTAURANT USES</u> <u>Boundaries:</u> <u>Upper Fillmore NCD</u> <u>Controls:</u> <u>Formula Retail Restaurant and Limited-Restaurant Uses are NP.</u> |

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

11 **ZONING CONTROL TABLE**

| 12 13 14 15 | No. | Zoning Category | § References | Haight Street | | |
|----------------------|-----|-----------------|-----------------|-------------------|-----|-----|
| | | | | Controls by Story | | |
| | | | § 790.118 | 1st | 2nd | 3rd |

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|----|-----------------|---|------------------|------------------|------------------|------------------|
| 17 | <u>§ 719.41</u> | <u>Bar</u> | <u>§ 790.22</u> | <u>#</u> | | |
| 18 | <i>719.42</i> | <i>Full-Service Restaurant</i> | <i>§ 790.92</i> | <i>€#</i> | <i>#</i> | <i>#</i> |
| 19 | <u>§ 719.43</u> | <i>Large Fast Food Limited-Restaurant</i> | § 790.90 | <i>#<u>P</u></i> | <i>#<u>P</u></i> | <i>#<u>P</u></i> |
| 20 | <u>§ 719.44</u> | <i>Small Self-Service Restaurant</i> | § 790.91 | <i>#</i> | <i>#</i> | <i>#</i> |
| 21 | <i>719.67</i> | <i>Video Store</i> | <i>§ 790.135</i> | <i>€</i> | <i>€</i> | <i>-</i> |
| 22 | <i>719.69A</i> | <i>Self-Service Specialty Food</i> | <i>§ 790.93</i> | <i>P#</i> | <i>P#</i> | <i>P#</i> |

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25 **SPECIFIC PROVISIONS FOR THE HAIGHT STREET DISTRICT**

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| Article 7 Code Section | Other Code Section | Zoning Controls |
|---|-----------------------------|---|
| § 719.40 § 719.41 § 719.43 § 719.44 § 719.69A | § 781.9 | <p>Boundaries: The entire Haight Street Neighborhood Commercial District.</p> <p>Controls: Retail establishments selling off-sale or on-sale alcoholic beverages are not permitted pursuant to Section 781.9.</p> |
| § 719.42 | § 781.9 790.22 790.92 | <p>HAIGHT STREET LIQUOR LICENSES FOR FULL SERVICE RESTAURANTS</p> <p>Boundaries: Applicable to the Height Street Neighborhood Commercial District and Height Street Alcohol Restricted Use Subdistrict.</p> <p>Controls: <u>A Restaurant Use may only add ABC license types 47, 49 or 75 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 is operating as a Bona Fide Eating Place, as defined in Section 790.142 of this Code. Should a restaurant fail to operate as a Bona Fide Eating Place for any length of time, the conditional use authorization shall be</u></p> |

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| | | <p><u>subject to immediate revocation.</u></p> <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 202, the Planning Commission finds that:</p> <p>(1) The bar function is operated as an integral element of an establishment which is classified both as: (A) a full-service restaurant as defined in § 790.92 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 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</p> |
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| | | <p>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 <i>FULL SERVICE</i> RESTAURANTS</p> <p>Boundaries: Applicable to the Haight Street Neighborhood Commercial District and Haight Street Alcohol Restricted Use Subdivision.</p> <p>Controls: A <i>full-service</i> <u>R</u>estaurant may be permitted as a conditional use <u>use</u> on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission has approved no more than a total of 3 <i>full-service</i> <u>R</u>estaurants in accordance with this Section. Should a full-service <u>R</u>estaurant permitted under this Section cease operation and complete a lawful change of use to another principally or</p> |

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| | | conditionally permitted use, the Commission may consider a new <i>full-service</i> <u>R</u> estaurant in accordance with the terms of this Section. |
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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 |

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|----------------|---|------------------|-----------|----------|--|
| <i>720.42</i> | <i>Full Service Restaurant</i> | <i>§ 790.92</i> | <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> | | |
| <i>720.67</i> | <i>Video Store</i> | <i>§ 790.135</i> | <i>€</i> | <i>€</i> | |
| <i>720.69A</i> | <i>Self Service Specialty Food</i> | <i>§ 790.93</i> | <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 |

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| 721.42 | Full-Service Restaurant | § 790.92 | C | | |
| 721.43 | Large Fast Food Limited- Restaurant | § 790.90 | <u>P</u> | | |
| 721.44 | Small Self-Service Restaurant | § 790.91 | C | | |
| 721.67 | Video Store | § 790.135 | € | € | |
| 721.69A | Self-Service Specialty Food | § 790.93 | € | | |

SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.

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

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|---------|--|---------------------|-----------|---|--|
| 722.42 | Full-Service Restaurant | § 790.92 § 780.3 | C# | | |
| 722.43 | Large Fast Food Limited- Restaurant | § 790.90 | <u>C#</u> | | |
| 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 | € | | |

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| <p>§ 722.40 -</p> | <p>§ 790.102(n) -</p> | <p>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)</p> |
| <p>§§ 722.42, <u>722.43</u> 722.44, 722.41</p> | <p>§ 780.3</p> | <p>NORTH BEACH EATING AND DRINKING USES SPECIAL USE DISTRICT Boundaries: North Beach NCD Controls: Full-service r Restaurants and small self-service l<u>Limited-r</u> Restaurants as defined in Sections 790.92 <u>790.90</u> and 790.91 of this Code and b<u>B</u>ars 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 r Restaurant, small self-service l<u>Limited-r</u> Restaurant, or b<u>B</u>ar does not occupy: (1) a space that is currently or was last occupied by a Basic Neighborhood Sale or Service, as defined in Section 780.3(b), or by a permitted principal use under Section 722</p> |

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| | | <p>(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</p> <p>Boundaries: North Beach NCD</p> <p>Controls: <u>A Restaurant Use may only add ABC license types 47, 49 or 75 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 is operating as a Bona Fide Eating Place, as defined in Section 790.142 of this Code. Should a restaurant fail to operate as a Bona Fide Eating Place for any length of time, the conditional use authorization shall be subject to immediate revocation.</u></p> <p><i>(a) In order to allow full-service restaurants, as defined in § 790.92, and small self-service</i></p> |

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| | | <p>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) In order to allow full-service restaurants, as defined in § 790.91, to seek and maintain an ABC license type 47, so that liquor may be served for drinking on the premises, a bar use, as defined in § 790.22, may be permitted as a conditional use on the ground level if, in addition to the criteria set forth in Section 303, the Planning 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 full-service restaurant as defined in § 790.92 and (B) a 'bona-fide eating place' as defined in § 790.142; and</p> <p>(2) The establishment maintains only an ABC license type 47, 40, 41 or 60.</p> <p>(c) The Commission may consider immediate revocation of a previous</p> |
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| | | <p>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><i>(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).</i></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 <u>2,499</u> sq. ft.; C 2,000 <u>2,500</u> sq. ft. & above § 121.2 |

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

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|---------|--|-----------|-----------|---|--|
| 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 | <u>C#</u> | | |
| 723.67 | <i>Video Store</i> | § 790.135 | € | € | |
| 723.69A | <i>Self-Service Specialty Food</i> | § 790.93 | € | | |

SPECIFIC PROVISIONS FOR THE POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT

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|-----------------|-----------------|--|
| <u>§ 723.44</u> | <u>§ 790.91</u> | <u>POLK STREET LIQUOR LICENSES FOR RESTAURANTS</u> <u>Boundaries: Applicable to the Polk Street NCD</u> <u>Controls: A Restaurant Use may only add ABC license types 47, 49 or 75 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 is operating as a Bona Fide Eating Place, as defined in Section 790.142 of this</u> |
|-----------------|-----------------|--|

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| | | <u>Code. Should a restaurant fail to operate as a bona fide eating place for any length of time, the conditional use authorization shall be subject to immediate revocation</u> |
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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 |

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

SEC. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

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

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|--------------------|---|----------------------|---------------|---|--|
| 725.42 | Full-Service Restaurant | § 790.92 | C# | | |
| 725.43 | Large Fast Food Limited- Restaurant | § 790.90 | <u>P#</u> | | |
| 725.44 | Small Self-Service Restaurant | § 790.91 | C# | | |
| 725.67 | Video Store | § 790.135 | € | € | |
| 725.69A | Self-Service Specialty Food | § 790.93 | C# | | |

SPECIFIC PROVISIONS FOR THE UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT

| Article 7 Code Section | Other Code Section | Zoning Controls |
|---------------------------------------|-------------------------------|--|
| § 725.42 725.44 | § 790.92-790.91 | UNION STREET FULL-SERVICE RESTAURANTS Boundaries: Applicable to the Union Street Neighborhood Commercial District Applicability: The following controls apply to new uses as well to significant alterations, modifications, and intensifications of existing |

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| | | <p>uses pursuant to § 178(c) of the Planning Code.</p> <p>Controls: The Planning Commission may approve a full-service <u>R</u>estaurant 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> <u>R</u>estaurants in the Union Street Neighborhood Commercial District. The Planning Department shall apply Article 7 zoning controls for Union Street Full-Service Restaurants to conditional use authorizations required by Planning Code § 178, including but not limited to significant alterations, modifications, and intensifications of use.</p> |
| <p>§ 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> |

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| | | <p><i>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.</i></p> |
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**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 |

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

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

| No. | Zoning Category | § References | 24 th – Mission Transit | | |
|-----|-----------------|-----------------|------------------------------------|-----|-----|
| | | | Controls by Story | | |
| | | § 790.118 | 1st | 2nd | 3rd |

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

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

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

| | | | | | |
|----------|--|-----------|-----|-----|--|
| § 728.40 | Other Retail Sales and Services [Not Listed Below] | § 790.102 | P-# | C-# | |
|----------|--|-----------|-----|-----|--|

| | | | | | | |
|---|--------------------|---|----------------------|------------|---|--|
| 1 | <u>§ 728.41</u> | <u>Bar</u> | <u>§ 790.22</u> | € | | |
| 2 | 728.42 | Full-Service Restaurant | § 790.92 | € | | |
| 3 | <u>§ 728.43</u> | Large Fast Food Limited- Restaurant | § 790.90 | <u>P #</u> | | |
| 4 | | | | | | |
| 5 | | | | | | |
| 6 | <u>§ 728.44</u> | Small Self-Service Restaurant | § 790.91 | <u>C#</u> | | |
| 7 | 728.67 | Video Store | § 790.135 | € | € | |
| 8 | | | | | | |
| 9 | 728.69A | Self-Service Specialty Food | § 790.93 | € | | |

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

| 12 Article 7 | 13 Code | 14 Other Code | 15 Zoning Controls |
|--------------|---------------------|---------------|---|
| 16 Section | 17 Section | 18 Section | 19 Section |
| 20 § 728.40 | 21 § 790.102(b) and | 22 (n) | 23 24TH STREET - NOE VALLEY SPECIALTY |
| | 24 § 703.2(b)(1)(C) | | 25 RETAIL USES |
| | | | Boundaries: Only the area within the 24th Street - Noe Valley Neighborhood Commercial District. The controls shall not apply to NC-1 Districts or nonconforming uses within ¼ mile of this District asset forth in Code §§ 710.10 and 186. |
| | | | Controls: <u>Formula Retail Limited-Restaurants</u> <u>Retail coffee stores, as defined in Code §</u> |

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| | | <p>790.91 790.102(n), that are also formula retail establishments as defined in Code §703.3 are <u>NP</u>. 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> |
| <p>§ 728.44 44</p> | <p>§ 790.91 22</p> | <p>24th STREET - NOE VALLEY LIQUOR LICENSES FOR <i>FULL-SERVICE</i> RESTAURANTS</p> <p>Boundaries: Applicable to the 24th Street - Noe Valley Neighborhood Commercial District</p> <p>Controls: <u>A Restaurant Use may only add ABC license types 47, 49 or 75 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 is operating as a Bona Fide Eating Place, as defined in Section 790.142 of this Code. Should a restaurant fail to operate as a Bona Fide Eating Place for any length of time, the conditional use authorization shall be subject to immediate revocation</u> (a) In order to allow certain restaurants to seek an ABC license type 47 so that liquor may be served</p> |

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| | | <p>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 full-service restaurant as defined in § 790.92 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 full-service restaurant pursuant to § 790.92, 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 | € | | |
| 729.43 | Large Fast Food Limited- Restaurant | § 790.90 | P <u>C</u> | | |
| 729.44 | Small Self-Service Restaurant | § 790.91 | <u>C</u> | | |
| 729.67 | Video Store | § 790.135 | € | € | |
| 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 |
|------------------------------|-----------------------|-----------------|
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| 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 | € | | |

**SEC. 731. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT
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-# |
| 731.42 | <i>Full-Service Restaurant</i> | § 790.92 | P | P | |
| 731.43 | <i>Large Fast Food Limited-Restaurant</i> | § 790.90 | €# <u>P</u> | €# <u>P</u> | |
| 731.44 | <i>Small Self-Service Restaurant</i> | § 790.91 | P-# | P-# | |
| 731.67 | <i>Video Store</i> | § 790.135 | € | € | € |
| 731.69A | <i>Self-Service Specialty Food</i> | § 790.93 | P# | P# | |

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

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

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

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

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

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|--------|--|-----------|----------|---|--|
| 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 | € | € | |

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| 733.69A | <i>Self Service Specialty Food</i> | § 790.93 | € | | |
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**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 | <i>Full Service Restaurant</i> | § 790.92 | P# | | |
| 733A.43 | <i>Large Fast Food Limited- Restaurant</i> | § 790.90 | P# | | |
| 733A.44 | <i>Small Self-Service Restaurant</i> | § 790.91 | € P # | | |
| 733A.67 | <i>Video Store</i> | § 790.135 | € | | |
| 733A.69A | <i>Self-Service Specialty Food</i> | § 790.93 | P# | | |

SPECIFIC PROVISIONS FOR NCT-1 DISTRICTS

| Article 7 Code Section | Other Code Section | Zoning Controls |
|------------------------------|-----------------------|---|
| § 733A.40 § 733A.41 | | Boundaries: All NCT-1 Districts Controls: P if located more than ¼ mile from |

| | | |
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| 1 2 3 | § 733A.42 733A.43 | any NC District or Restricted Use Subdistrict with more restrictive controls; otherwise, same as more restrictive control |
| 4 5 6 7 8 9 | § 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 |

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

11 **ZONING CONTROL TABLE**

| 12 13 14 15 16 17 18 19 20 21 22 23 | No. | Zoning Category | § References | NCT-2 | | |
|--|---------|---|-----------------|-------------------|-----|-----|
| | | | | Controls by Story | | |
| | | | § 790.118 | 1st | 2nd | 3rd |
| | 734.42 | Full-Service Restaurant | § 790.92 | P | | |
| | 734.43 | Large-Fast-Food <u>Limited-</u> Restaurant | § 790.90 | € P | | |
| | 734.44 | Small Self-Service Restaurant | § 790.91 | P | | |
| | 734.67 | Video Store | § 790.135 | € | € | |
| | 734.69A | Self-Service Specialty Food | § 790.93 | P | | |

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

25 **ZONING CONTROL TABLE**

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

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

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|-------------------|---|---------------------|--------------|--------------|--|
| 736.42 | Full-Service Restaurant | § 790.92 | P | P | |
| 736.43 | Large Fast Food <u>Limited-</u> Restaurant | § 790.90 | <u>P</u> | | |

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| 736.44 | <i>Small Self-Service Restaurant</i> | § 790.91 | <i>CP</i> | | |
| 736.67 | <i>Video Store</i> | § 790.135 | <i>C</i> | <i>C</i> | <i>C</i> |
| 736.69A | <i>Self-Service Specialty Food</i> | § 790.93 | <i>P</i> | | |

**SEC. 737. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT
ZONING CONTROL TABLE**

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

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|--------------------|--|----------------------|----------|----------|--|
| 737.42 | <i>Full-Service Restaurant</i> | § 790.92 | <i>P</i> | | |
| 737.43 | <i>Large Fast Food Limited- Restaurant</i> | § 790.90 | <i>P</i> | | |
| 737.44 | <i>Small Self-Service Restaurant</i> | § 790.91 | <i>P</i> | | |
| 737.67 | <i>Video Store</i> | § 790.135 | <i>C</i> | <i>C</i> | |
| 737.69A | <i>Self-Service Specialty Food</i> | § 790.93 | <i>P</i> | | |

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

1 on the Sectional Map SU01 of the Zoning Maps. The following provisions shall apply within
2 such district:

3 (a) ~~Full-service~~ Restaurants and Limited-Restaurant ~~small self-service restaurants~~ as
4 defined in Sections ~~790.92~~ 790.90 and 790.91 of this Code and ~~b~~Bars as defined in Section
5 780.22 of this Code may be permitted as a conditional use on the ground level if, in addition to
6 the criteria set forth in Section 303, the Planning Commission finds that the Restaurant ~~or~~
7 ~~Limited-Restaurant~~ ~~full-service restaurant, small self-service restaurant,~~ or ~~b~~Bar does not occupy
8 (1) a space that is currently or was last occupied by a Basic Neighborhood Sale or Service, as
9 defined in Section 780.3(b), or by a permitted principal use under Section 722 (North Beach
10 Controls); or (2) a vacant space last occupied by a nonconforming use or a permitted
11 conditional use under Section 722 (North Beach Controls) that has been discontinued or
12 abandoned pursuant to Section 186.1(d) or Section 178(d) of this Code.

13 (b) For purposes of this Section, a Basic Neighborhood Sale or Service shall mean a
14 use within the North Beach Neighborhood Commercial District that provides goods and/or
15 services which are needed by residents and workers in North Beach and surrounding
16 neighborhoods. Basic Neighborhood Sales or Services shall be considered to include, but not
17 be limited to the following goods and/or services: Other Retail Sales and Services as defined
18 in Section 790.102, Personal Services as defined in Section 790.116, Medical Services as
19 defined in Section 790.114, Liquor Stores as defined in Section 790.55, ~~Video Stores as~~
20 ~~defined in Section 790.135,~~ Trade Shops as defined in Section 790.124, ~~;~~ and Animal
21 Hospitals as defined in Section 790.6, and Limited-Restaurant as defined in Section 790.90. ~~;~~
22 ~~and Self-Service Specialty Food use as defined in Section 790.93.~~

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

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

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

8 (a) Restaurants and Limited-~~R~~Restaurants, as defined in Sections 790.90 and 790.91 of this
9 Code, are permitted as conditional uses on the first story and below.

10 (b) Restaurants and ~~L~~imited-~~R~~Restaurants also defined as formula retail, as defined in Section
11 703.3 of this Code, shall not be permitted in this subdistrict.

12 (c) The provisions of Sections 180 through 186.1 of this Code shall govern Restaurants and
13 Limited-~~R~~Restaurants also defined as formula retail, which existed lawfully at the effective date of this
14 Code in this subdistrict.

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

16 In order to preserve the mix and variety of goods and services provided to the Sunset
17 neighborhoods and City residents, prevent further proliferation of restaurant uses and prevent
18 further aggravation of parking and traffic congestion in this district, there shall be an Irving
19 Street Restaurant ~~and Fast-Food~~ Subdistrict, generally applicable for the NC-2-zoned portion
20 of Irving Street located between 19th and 27th Avenues, as designated on Sectional Maps
21 5SU and 6SU of the Zoning Map. The following provisions shall apply within such subdistrict:

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

24 (b) ~~Full-service restaurants and large fast-food restaurants, as defined in Section 790.92 and~~
25 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 Limited-Restaurant-limited use, as defined by~~
15 ~~Planning Code Section 790.90 and a Restaurant Use, as defined by Planning Code Section 790.91, that~~
16 ~~are also Formula Retail Uses, as defined in Planning Code Section 703.3, shall not permitted in this~~
17 ~~subdistrict.~~

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

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

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

24 There is an unusually large number of establishments dispensing alcoholic beverages,
25 including beer and wine, for both on-site and off-site consumption in the Haight-Ashbury

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

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

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

23 (2) These controls also shall apply within ¼-mile of the Haight Street Alcohol RUSD to
24 nonconforming uses in R districts pursuant to Planning Code Section 186, and in NC-1
25

1 Districts, pursuant to the Special Provisions for NC-1 Districts which follows the Control Table
2 constituting Sections 710.10 through 710.95.

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

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

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

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

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

24 (A) A Prohibited Liquor Establishment lawfully existing and selling alcoholic beverages
25 as licensed by the State of California prior to the effective date of this legislation, or

1 subsequent legislation prohibiting that type of Liquor Establishment, so long as otherwise
2 lawful, may continue to operate only under the following conditions, as provided by California
3 Business and Professions Code Section 23790:

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

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

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

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

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

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

20 (4) Re-location of an existing Prohibited Liquor Establishment in the Haight Street
21 Alcohol RUSD to another location within the same Haight Street Alcohol RUSD with
22 conditional use authorization from the City Planning Commission, provided that the original
23 premises shall not be occupied by a Prohibited Liquor Establishment, unless by another
24 Prohibited Liquor Establishment that is also relocating from within the Haight Street Alcohol
25 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 types 42,
4 48, or 61) and drinking establishments serving beer where minors are present liquor (with ABC
5 licenses types 47 42 or 60 49) in conjunction with other uses which admit minors, such as
6 restaurants, movie theaters, and other entertainment. If a bar use also includes a full-service
7 rRestaurant, as defined by 790.92, or a small self-service restaurant as defined by 790.91,
8 then these uses are considered to be separate and distinct, even though they may occupy the
9 same retail space.

10 Such businesses shall operate with the specified conditions below:

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

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

20 When located within an enclosed space, the premises shall be adequately
21 soundproofed or insulated for noise and operated so that incidental noise shall not be audible
22 beyond the premises or in other sections of the building and fixed-source equipment noise
23 shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.
24
25

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

4 For information about compliance with the construction noise, contact the Department
5 of Building Inspection.

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

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

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

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

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

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

22 A retail use which provides food and/or beverages for either on or off-site food
23 consumption including *take-out food, self-service specialty food, bBars, full-service rRestaurants,*
24 *Limited-Restaurants, and Take-out Food large fast food restaurants and small self-service restaurants.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 ~~It shall not be required to operate within an enclosed building pursuant to Section~~
14 ~~703.2(b)(1) so long as it is also a Mobile Food Facility as defined in Section 102.34. Any~~
15 ~~associated outdoor seating and/or dining area is subject to regulation as an Outdoor Activity~~
16 ~~Area as set forth elsewhere in this Code.~~

17 ~~Such businesses shall operate in accordance with the following conditions:~~

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

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

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

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

10 For information about compliance with the construction noise, contact the Department
11 of Building Inspection,

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

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

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

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

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

3 (a) A retail eating and/or drinking use which serves ready-to-eat foods and/or drinks to
4 customers for consumption on or off the premises, that may or may not have seating. It may
5 include wholesaling, manufacturing, or processing of foods, goods, or commodities on the
6 premises as an accessory use as set forth in Section 703.2(b)(1)(C)(v).

7 (b) It includes, but is not limited to, specialty foods provided by bakeries,
8 delicatessens, and confectioneries meeting the above characteristics, but it is distinct from a
9 Restaurant, as defined in Section 790.91, and a Bar, as defined in Section 790.22. It may also
10 operate as a Take-Out Food use as defined in Section 790.122.

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

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, and/or liquor sales for drinking on the premises (with ABC licenses types 40, 41
7 47, 49, 59, or 75 60); however, if it does so it shall be required to operate as a Bona Fide
8 Eating Place as defined in Section 790.142 . If it serves liquor for drinking on the premises
9 (with ABC licenses 47 or 48), or does not admit minors (with ABC licenses 42 or 61), then it
10 shall also be considered a bar, as defined in Section 790.22 of this Code. It is distinct and
11 separate from the a Limited-Restaurant-Limited definition, as defined in Sections 790.90 of this
12 Code.

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

17 ~~Such businesses shall operate with the specified conditions below:~~

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

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

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

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

10 For information about compliance with the construction noise, contact the Department
11 of Building Inspection,.

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

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

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

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

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

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

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

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

8 (1) An individual retail food establishment that:

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

12 (B) May provide beer, wine, and/or liquor sales for consumption off the premises with a
13 California Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) or type
14 21 (off-sale general) within the accessory use limits as set forth in Section 703.2(b)(1)(C)(vi);

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

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

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

18 (1) An individual retail food establishment that:

19 (A) Offers specialty food products, such as baked goods, pasta, cheese, confections,
20 coffee, meat, seafood, produce, artisanal goods and other specialty food products, and may
21 also offer additional food and non-food commodities related or complementary to the specialty
22 food products;

23 (B) May provide beer, wine, and/or liquor sales for consumption off the premises with a
24 California Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) or type
25 21 (off-sale general) within the accessory use limits as set forth in Section 703.2(b)(1)(C)(vi);

- 1 (C) Prepare minor food amounts or no food on-site for immediate consumption; and
2 (D) Market the majority of its merchandise at retail prices.
- 3 (c) Pharmaceutical drugs and personal toiletries;
4 (d) Personal items such as tobacco and magazines;
5 (e) Self-service laundromats and dry cleaning, where no portion of a building occupied
6 by such use shall have any opening other than fixed windows and exits required by law within
7 50 feet of any R District;
- 8 (f) Household goods and service (including paint, fixtures and hardware, but excluding
9 other building materials);
- 10 (g) Variety merchandise, pet supply stores and pet grooming services;
11 (h) Florists and plant stores;
12 (i) Apparel and accessories;
13 (j) Antiques, art galleries, art supplies and framing service;
14 (k) Home furnishings, furniture and appliances;
15 (l) Books, stationery, greeting cards, office supplies, copying service, music and
16 sporting goods; *and*
- 17 (m) Toys, gifts, and photographic goods and services; ~~and~~
- 18 ~~(n) Retail coffee stores. As used herein, retail coffee store means:~~
- 19 ~~(1) A retail drinking use which provides ready-to-drink coffee and/or other nonalcoholic~~
20 ~~beverages for consumption on or off the premises, which may or may not provide seating. Its intended~~
21 ~~design is not to serve prepared ready-to-eat food for consumption on or off the premises, except where~~
22 ~~a conditional use is granted for an exception in the West Portal NCD pursuant to the "Specific~~
23 ~~Provisions for the West Portal District." Such use exhibits the following characteristics:~~
- 24 ~~(A) Contains no more than 15 seats with no more than 400 square feet of floor area devoted to~~
25 ~~seating;~~

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

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

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

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

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

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

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

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

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

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

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

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

24 ~~(A) All debris boxes shall be kept in enclosed structures;~~

| | | |
|----------|--|----------------------------|
| 803.2.42 | Full-Service Restaurant | § 890.92 |
| 803.2.43 | Fast-Food Limited-Restaurant –Small | § 890.90-790.90 |
| 803.2.44 | Fast-Food-Restaurant –Large | § 890.91-790.91 |
| 803.2.45 | Take-Out Food | § 890.122 |

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

(b) Formula Retail Uses.

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

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

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

1 (9) "Retail sales activity or retail sales establishment" shall include the following uses;
2 as defined in Section 303(i)(2). Article 8 of this code: "bar," "drive-up facility," "eating and
3 drinking use," "restaurant, large fast food," "restaurant, small fast food," "restaurant, full-
4 service," "sales and services, other retail," "sales and services, nonretail," "movie theater,"
5 "amusement game arcade," and "take-out food."

6
7 **SEC. 810.1. CHINATOWN COMMUNITY BUSINESS DISTRICT.**

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

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

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

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

Table 810
CHINATOWN COMMUNITY BUSINESS DISTRICT
ZONING CONTROL TABLE

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

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

SEC. 811.1. CHINATOWN VISITOR RETAIL DISTRICT.

The Chinatown Visitor Retail Neighborhood Commercial District extends along Grant Avenue between California and Jackson Streets. This district contains a concentration of shopping bazaars, art goods stores and restaurants which attract visitors and shoppers and

1 contribute to the City's visual and economic diversity. Grant Avenue provides an important link
 2 between Downtown retail shopping and the Broadway, North Beach and Fisherman's Wharf
 3 areas.

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

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

16 **Table 811**
 17 **CHINATOWN VISITOR RETAIL DISTRICT**
 18 **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 | <u>P</u> | <u>P</u> | |
| .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 | <u>P</u> | <u>P</u> | |

SEC. 812.1. CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT.

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

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

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

Table 812
CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE

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

1 of uses, family-sized housing units, and in-fill development which contributes positively to the
 2 neighborhood scale and use mix.

3 Most retail, general commercial, office, service/light industrial, arts, live/work and
 4 residential activities are permitted. Group housing, social services, and other institutional uses
 5 are conditional uses. Hotels, motels, movie theaters, adult entertainment and nighttime
 6 entertainment are not permitted.

7 **Table 814**
 8 **SPD - SOUTH PARK DISTRICT**
 9 **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 |

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

15 The Residential/Service Mixed Use District (RSD) runs along Harrison St. between 4th
 16 St. and 5th St. The RSD serves as a housing opportunity area within the South of Market
 17 Mixed Use Districts. The district controls are intended to facilitate the development of high-
 18 density, mid-rise housing, including residential hotels and live/work units, while also
 19 encouraging the expansion of retail, business service and commercial and cultural arts
 20 activities.
 21

22 Residential hotels are subject to flexible standards for parking, rear yard/open space
 23 and density. Continuous ground floor commercial frontage with pedestrian-oriented retail
 24 activities along major thoroughfares is encouraged.
 25

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

5 **Table 815**
 6 **RSD - RESIDENTIAL/SERVICE MIXED USE DISTRICT**
 7 **ZONING CONTROL TABLE**

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

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

24 The Service/Light Industrial/Residential (SLR) Mixed Use District is designed to
 25 maintain and facilitate the growth and expansion of small-scale light industrial, home and

1 business service, wholesale distribution, arts production and performance/exhibition activities,
 2 live/work use, general commercial and neighborhood-serving retail and personal service
 3 activities while protecting existing housing and encouraging the development of housing and
 4 live/work space at a scale and density compatible with the existing neighborhood.

5 Housing and live/work units are encouraged over ground floor commercial/service/light
 6 industrial activity. New residential or mixed use developments are encouraged to provide as
 7 much mixed-income rental housing as possible. Existing group housing and dwelling units
 8 would be protected from demolition or conversion to nonresidential use by requiring
 9 conditional use review.

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

12 **Table 816**

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

| | | | Service/Light Industrial/ 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 | § 890.104 | P |

| | | | |
|--|--|--|--|
| | Bars, <i>Full Service and Fast Food Limited - Restaurants</i> , Restaurants, <i>Take Out Food Services</i> , and Personal Services | | |
|--|--|--|--|

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**

| No. | Zoning Category | § References | Service/Light Industrial District Controls |
|-----|-----------------|--------------|--|
|-----|-----------------|--------------|--|

| | | | |
|--------|---|-----------|---|
| 817.31 | All Retail Sales and Services which are not | § 890.104 | P |
|--------|---|-----------|---|

| | | | |
|--|--|--|--|
| | Office Uses or prohibited by § 803.4, including Bars, Full Service and Fast Food Limited - <u>Restaurants</u> , Restaurants, Take Out Food Services , and Personal Services | | |
|--|--|--|--|

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 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

1 mixed-income family housing as possible. Existing group housing and dwelling units would be
 2 protected from demolition or conversion to nonresidential use by requiring conditional use
 3 review.

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

7 **Table 840**
 8 **MUG - MIXED USE - GENERAL DISTRICT**
 9 **ZONING CONTROL TABLE**

| | | | |
|------------|------------------------|----------------------------|---|
| | | | Mixed Use - General District |
| No. | Zoning Category | § References | Controls |
| 840.47 | Bar | § 890.22-790.22 | C. If approved, subject to size controls in Section 840.45. |

18
 19 Section 4. The San Francisco Planning Code is hereby amended by adding Section
 20 703.5, to read as follows:

21 **SEC. 703.5. OPERATING CONDITIONS.**

22 (a) Eating and Drinking Uses. Such businesses shall operate in accordance with the
 23 following conditions:

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

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

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

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

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

19 For information about compliance with the requirements for amplified sound, including
20 music and television, contact the Police Department.

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

1 For information about compliance with odor or other chemical air pollutant standards,
2 contact the Bay Area Quality Management District (BAAQMD) and Code Enforcement,
3 Planning Department.

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

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

10
11 Section 4 5. This Section is uncodified.

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

1 Section 5 6. Effective Date. This ordinance shall become effective 30 days from the
2 date of passage.

3
4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6 By: _____
7 JUDITH A. BOYAJIAN
8 Deputy City Attorney