



SAN FRANCISCO PLANNING DEPARTMENT

New Planning Code Change Summary:

Section 719 – Haight Street NCD Full-Service Restaurants

Code Change: Amendments relating to Planning Code Sections 719.1 and 781.9 of the Haight Street Neighborhood Commercial District

Case Number: Board File No. 07-1669

Initiated By: Supervisor Mirkarimi, December 11, 2007

Effective Date: June 21, 2008

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The Way Was:

The Haight Street NCD prohibited the opening of new restaurants of any type.¹ Under Section 179(a) of the Planning Code, those restaurants and bar uses which lawfully existed on the effective date of Ordinance No. 69-87, enacting the Haight Street NCD, are either nonconforming or conditional uses and permitted to remain in use. Under Section 182, a nonconforming use located within ¼ mile from the Haight Street NCD must comply with building standards and use limitations of the Haight Street NCD – thus no new restaurants of any type are permitted within a ¼ mile of the Haight Street NCD.

In addition, Section 781.9: Haight Street Alcohol Restricted Use Subdistrict (“Haight Street RUSD”) prohibits new on-sale or off-sale liquor licenses within its boundaries.² Therefore, an existing restaurant within the Haight Street NCD cannot obtain a new full-liquor license from the Department of Alcoholic Beverage Control (ABC).³

The Way It Is Now:

The proposed ordinance would allow **four (4) new full-service restaurants** in the Haight Street NCD.⁴ A Conditional Use Authorization would be required in order to operate. In

¹ San Francisco Planning Code Sections 719.41 (Bar), 719.42 (Full-Service Restaurant), 719.43 (Large Fast Food Restaurant), and 719.44 (Small Self-Service Restaurant) → all are currently not permitted in the Haight Street NCD.

² The boundaries of the Haight Street RUSD are coterminous with the Haight Street NCD boundaries and also applies to nonconforming parcels within a ¼ mile from the district.

³ Section 781.9: Haight Street Alcohol Restricted Use Subdistrict (a)(1): No new on-sale or off-sale liquor establishment shall be permitted in the Haight Street RUSD.

⁴ San Francisco Planning Code Section 719.42 (Full Service Restaurant).

Planning Code Section 790.92 defines a full-service restaurant as “a retail eating or eating and drinking use which serves food to customers primarily for consumption on the premises, and is not specifically designed to attract and accommodate high customer volumes or turnover. It has seating and serves prepared, ready-to-eat cooked foods for consumption on the

addition, any full-service restaurant within the Haight Street NCD would be allowed to seek Conditional Use Authorization to pursue a full-liquor license from the ABC. **This proposed Code change will also apply to those nonconforming parcels within ¼ mile from the Haight Street Neighborhood Commercial District.**

Please note that the four new full-service conditional use applications will be accepted on a first-come basis. Once the Commission has approved four conditional uses for full-service restaurants, this section will no longer apply.

premises. Guests typically order and receive food and beverage while seated at tables on the premises and pay for service after the meal is consumed. It includes, but is not limited to, lunch counters, coffee shops, soda fountains and full-service dining establishments. It is distinct and separate from a small or large fast-food restaurant, as defined in Sections 790.90 and 790.91 of this Code. It may provide on-site beer and/or wine sales for drinking on the premises (with ABC licenses 40, 41 or 60). If it serves liquor for drinking on the premises (with ABC licenses 47 or 48), or does not admit minors (with ABC licenses 42 or 61), then it shall also be considered a bar, as defined in Section 790.22 of this Code.”