



SAN FRANCISCO PLANNING DEPARTMENT

New Planning Code Change Summary:

Inner Clement NCD – 3 New Full-Service Restaurants & Wine/Beer Bars

Code Change: Amendments relating to Planning Code Sections 716.1, 716.41, and 716.42, to provide for a limited number of new full-service restaurant and bar uses that satisfy specific requirements and obtain conditional use authorization within the Inner Clement Neighborhood Commercial District (“Inner Clement NCD”).

Case Number: Board File No. 07-0738

Initiated By: Supervisor McGoldrick, May 22, 2007

Effective Date: December 8, 2007

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

The Way It Was:

Since its enactment in 1987, the Inner Clement NCD prohibits 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 Inner Clement NCD are either nonconforming or conditional uses and permitted to remain in use. In addition, no existing restaurant within the Inner Clement NCD may seek or obtain a new full-liquor license from the Department of Alcoholic Beverage Control (ABC).²

The Way It Is Now:

The new Code provision would allow **three** new full-service restaurants or wine and/or beer bars at the ground level in the Inner Clement NCD.³ A Conditional Use

¹ San Francisco Planning Code Sections 716.1, 716.41 (Bar), 716.42 (Full-Service Restaurant), 716.43 (Large Fast Food Restaurant), and 716.44 (Small Self-Service Restaurant).

² San Francisco Planning Code Sections 716.41, 716.42, 716.43, 716.44, 790.22, 790.90(c), 790.91(b), and 790.92.

³ San Francisco Planning Code Sections 716.41 (Bar) and 716.42 (Full Service Restaurant).

Planning Code Section 790.22 defines a bar as “a retail use which provides on-site alcoholic beverage sales for drinking on the premises, including bars serving beer, wine and/or liquor to the customer where no person under 21 years of age is admitted (with Alcoholic Beverage Control (ABC) licenses 42, 48, or 61) and drinking establishments serving liquor (with ABC licenses 47 or 49) in conjunction with other uses which admit minors, such as restaurants, movie theatres, and other entertainment.”

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

Authorization would be required in order to operate. In addition, any full-service restaurant within the Inner Clement NCD would be allowed to seek Conditional Use Authorization to pursue a full-liquor license from the ABC.

NOTE: This provision will automatically be void once the three Conditional Use Authorizations for full-service restaurants and/or wine & beer bars have been granted by the Planning Commission. The Department is currently working to come up with a way to track the three Conditional Use approvals.

high customer volumes or turnover. It has seating and serves prepared, ready-to-eat cooked foods for consumption on the 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.”