



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Planning Code Text Change

HEARING DATE: JANUARY 13, 2010

*Project Name:* **Amendments relating to the Upper Fillmore Neighborhood Commercial District (NCD):  
Restaurant and Eating Uses**

*Case Number:* 2010.1059I [Board File No. 10-1309]

*Initiated by:* Supervisor Alioto-Pier/ Introduced October 19, 2010

*Staff Contact:* Aaron Starr, Neighborhood Planning  
aaron.starr@sfgov.org, 415-558-6362

*Reviewed by:* AnMarie Rodgers, Manager Legislative Affairs  
anmarie.rodgers@sfgov.org, 415-558-6395

*Recommendation:* **Recommend Approval with Modifications**

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### PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Upper Fillmore Neighborhood Commercial District 718.1 (Zoning Control Table), 718.41 (bar), 718.42 (full-service restaurants), 718.44 (small self-service restaurant), 718.69A (self-service, specialty food) to allow new bars in conjunction with a full-service restaurant, new full-service restaurants, small self-service restaurants, and self-service, specialty food uses with a Conditional Use Authorization.

#### The Way It Is Now:

The Upper Fillmore NCD prohibits new Full-Service Restaurants, Small Self-Service Restaurants, Large Fast-Food Restaurants, Self-Service Specialty Food Service uses and Bar uses. 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 Upper Fillmore NCD in 1987, are nonconforming and permitted to remain in use. Any nonconforming use is considered to be 'abandoned' pursuant to Section 183 after three years.

#### The Way It Would Be:

The proposed ordinance would allow new Full-Service Restaurants, Small Self-Service Restaurants, Self-Service Specialty Food Service uses and Bars associated with Full-Service Restaurants to apply for a Conditional Use Authorization in the Upper Fillmore NCD. There would be no numerical cap or sunset clause; rather the ordinance would permit these uses to be approved by the Planning Commission on a case-by-case basis.

### REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

## RECOMMENDATION

The Department recommends that the Commission recommend *approval with modifications* of the proposed Ordinance *with modifications* to include allowing Large Fast-Food Restaurants with Conditional Use Approval and adopt the attached Draft Resolution to that effect.

## BASIS FOR RECOMMENDATION

The citywide Neighborhood Commercial Controls were enacted in 1987 in response to land use issues identified by neighborhood groups, planners, and elected officials. Along upper Fillmore Street and elsewhere in the City, restaurants and bars were identified as volatile uses which could multiply and upset the commercial equilibrium by forcing out critical neighborhood services. This concern led to prohibitions such as those in the Upper Fillmore NCD, which more than 20 years later continue disallow new restaurants and bars or the reestablishment of restaurant and bar uses which had converted for a period of time to another use.

### Use Type Comparison

	1987	2011
Take Out Establishments	2	5
Self-Service Restaurants	10	5
Full-Service Restaurants	22	19
Bar*	4	7
Specialty Grocery/Supermarket	8	2
Liquor Store	2	1
Vacancies	2	3

\*All bars are currently associated with a Full-Service Restaurants.

Over the past several years, the Planning Department has received requests to look at particular NCDs and the controls for eating and drinking uses. The intent of the prohibition on eating and drinking uses was to slowly decrease the number of these uses over time; however, the Department found that in particular NCDs, this prohibition often created a stagnant restaurant scene, with the few remaining restaurants not catering to the needs of the community. While the number and quality of restaurants decreased, the role of food, particular restaurants, in San Francisco grew. The prohibition of new restaurants has often resulted in an accumulation of demand for these types of establishments.

Starting with Noe-24<sup>th</sup> Street NCD in 2005, the Department began to recommend the re-introduction of eating and drinking controls in particular NCDs. Since 2005, there have been 8 Ordinances that have dealt with this issue.

The Department believes that opening up restaurant, specialty food and bar uses to a Conditional Use Authorization process in the Upper Fillmore NCD will allow the Commission to analyze each application on a case-by-case basis. When the number of restaurants exceeds the needs of the neighborhood, the Commission can deny the application. Under the proposed legislation each application will be judged on the merits of its application, the needs of the community, and the criteria in the Planning Code.

The distinction between Large Fast-Food Restaurants, Small Self-Service Restaurants and Full-Service Restaurants is in some ways obsolete. Partially intended to prohibit or limit the number of “chain” fast-food restaurants in Neighborhood Commercial Districts, the distinction often stifles new or emerging restaurant types and can be overly prescriptive on how businesses operate. Formula Retail controls provide adequate procedures to ensure that Formula Retail chains don’t take over neighborhoods. While further evaluation needs to be done into whether or not use size and restaurant type distinctions should be rethought or abandoned, allowing all types of restaurant categories to be approved with Conditional Use Authorization will help encourage competition and creativity, providing a more vibrant and responsive restaurant environment for residents and visitors to the Upper Fillmore NCD. With this in mind, the Department proposes that the legislation should be amended to also allow Large Fast-Food Restaurants with Conditional Use Authorization, so that each proposal can be evaluated on its merits and how well it meets the current needs of the neighborhood.

In sum, the Department supports the proposed Ordinance to permit new Full-Service Restaurants, Bars associated with Full-Service Restaurants, Small Self-Service Restaurants and Specialty Foods, Self-Service establishments with Conditional Use Authorization in the Upper Fillmore NCD. In addition, the Department proposes that the ordinance should also allow new Large Fast-Food Restaurants with Conditional Use Authorization.

## **ENVIRONMENTAL REVIEW**

The proposal to amend Planning Code Sections 718.1 (Zoning Control Table), 718.41 (Bars) 718.42 (Full-Service Restaurants), 718.43 (Large Fast-Food Restaurants), 718.44 (Small Self-Service Restaurants), and 718.69A (Specialty Food, Self-Service) in the Upper Fillmore NCD would result in no physical impact on the environment. The proposed amendment is exempt from environmental review under Section 15060(c)(2) of the CEQA Guidelines.

## **PUBLIC COMMENT**

As of the date of this report, the Planning Department has not received any comments with regard to the proposed Ordinance.

<b>RECOMMENDATION:</b> <b>Recommendation of Approval with Modifications</b>
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### **Attachments:**

- Exhibit A:        Draft Planning Commission Resolution
- Exhibit B:        Board of Supervisors File No. 10-1309
- Exhibit C:        Restaurant Uses Permitted by Zoning District, January 2011



# SAN FRANCISCO PLANNING DEPARTMENT

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## Draft Planning Commission Resolution

HEARING DATE: JANUARY 13, 2011

*Project Name:* **Amendments relating to the Upper Fillmore NCD:  
Restaurant and Eating Uses**

*Case Number:* 2010.1059T [Board File No. 10-1309]

*Initiated by:* Alioto-Pier / Introduced October 19, 2010

*Staff Contact:* Aaron Starr, Neighborhood Planning  
aaron.starr@sfgov.org, 415-558-6362

*Reviewed by:* AnMarie Rodgers, Manager Legislative Affairs  
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RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT WITH MODIFICATIONS A PROPOSED ORDINANCE THAT WOULD AMEND THE UPPER FILLMORE NEIGHBORHOOD COMMERCIAL DISTRICT PLANNING CODE SECTIONS 718.1 (ZONING CONTROL TABLE), 718.41 (BARS), 718.42 (FULL-SERVICE RESTAURANTS), 718.44 (SMALL SELF-SERVICE RESTAURANTS), 718.69A (SPECIALTY FOOD, SELF-SERVICE) TO ALLOW NEW BARS ASSOCIATED WITH FULL-SERVICE RESTAURANTS, FULL-SERVICE RESTAURANTS, SMALL SELF-SERVICE RESTAURANTS AND SPECIALTY FOOD, SELF-SERVICE USES WITH CONDITIONAL USE AUTHORIZATION IN THE UPPER FILLMORE NCD.

### PREAMBLE

Whereas, on October 19, 2010, Supervisor Alioto-Pier introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 10-1309 which would amend the Upper Fillmore NCD 718.1 (Zoning Control Table), 718.41 (bar), 718.42 (full-service restaurants), 718.44 (small self-service restaurant), 718.69A (self-service, specialty food) to allow new bars in conjunction with a full-service restaurant, new full-service restaurants, small self-service restaurants, and self-service, specialty food uses with Conditional Use Authorization; and

Whereas, on January 13, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

Whereas, the proposed zoning changes have been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2); and

Whereas, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties; and

Whereas, the all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

Whereas, the Commission has reviewed the proposed Ordinance; and

**MOVED**, that the Commission hereby recommends that the Board of Supervisors recommends *approval of the proposed Ordinance with modifications* and adopts the attached Draft Resolution to that effect with the following modifications:

1. To modify Planning Code Section 718.43 (Large Fast-Food Restaurants) to allow Large Fast-Food Restaurants in the Upper Fillmore NCD with Conditional Use Approval.

## **FINDINGS**

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The Upper Fillmore NCD Controls have not been substantially revised since their adoption in 1987;
2. The Upper Fillmore NCD prohibits new restaurants and bar uses of any type;
3. 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 Upper Fillmore NCD in 1987, are nonconforming and permitted to remain in use.
4. Any nonconforming use is considered to be 'abandoned' pursuant to Section 183 after three years.
5. A Self-Service, Specialty Food establishment is a new use definition that was enacted in December 2008. New Self-Service Specialty Food Establishments are currently prohibited in the Upper Fillmore NCD;
6. Over the past several years, the Commission has received requests to look at particular NCDs and the controls for eating and drinking uses in those NCDs. The intent of the prohibition on eating and drinking uses was to slowly decrease the number of these uses over time; however, the Planning Department found that in particular NCDs, this prohibition often created a stagnant restaurant scene, with the few remaining restaurants not catering to the needs of the community. While the number and quality of restaurants decreased, the role of food, particular restaurants, in San Francisco grew;
7. In addition, there has been a shift in recent years towards food and drink facilities being considered integral components of a thriving neighborhood. The result of the prohibition of new restaurants has often resulted in an accumulation of demand for these types of establishments;

8. The distinction between Large Fast-Food Restaurants and Small Self-Service Restaurants and full-service restaurants often stifles new or emerging restaurant types and can be overly prescriptive on how businesses operate. Allowing all types of restaurant categories to be approved with Conditional Use Authorization will help encourage competition and creativity, providing a more vibrant and responsive restaurant environment for residents and visitors to the Upper Fillmore NCD.
9. The Commission believes that opening up the Full-Service Restaurant, Large Fast-Food Restaurant, Small Self-Service Restaurants, Bars associated with Full-Service Restaurants and Self-Service, Specialty Food Establishments to a Conditional Use Authorization process will allow the Commission to analyze each application on a case-by-case basis;
10. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

**I. COMMERCE & INDUSTRY ELEMENT**

THE COMMERCE AND INDUSTRY ELEMENT OF THE GENERAL PLAN SETS FORTH OBJECTIVES AND POLICIES THAT ADDRESS THE BROAD RANGE OF ECONOMIC ACTIVITIES, FACILITIES, AND SUPPORT SYSTEMS THAT CONSTITUTE SAN FRANCISCO'S EMPLOYMENT AND SERVICE BASE.

**GOALS**

THE THREE GOALS OF THE COMMERCE AND INDUSTRY ELEMENT OF THE GENERAL PLAN RELATE TO CONTINUED ECONOMIC VITALITY, SOCIAL EQUITY, AND ENVIRONMENTAL QUALITY.

**OBJECTIVE 6**

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

**POLICY 6.2**

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society.

**POLICY 6.3**

Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of existing affordable housing and needed expansion of commercial activity.

**POLICY 6.10**

Promote neighborhood commercial revitalization, including community-based and other economic development efforts where feasible.

*The character of the Upper Fillmore NCD has changed over the past 20 years. Permitting new Full-Service Restaurants, Large Fast-Food Restaurants, Small Self-Service Restaurant Uses, Specialty Food, Self-Service Establishment uses and Bars associated with Full-Service Restaurants through the Conditional Use Authorization process will help to bring these important uses back to the NCD, while allowing community involvement in the approval process.*

*The proposed Ordinance with modification seeks to remedy the existing conditions while also accommodating the demand for all Restaurant uses, Specialty Food, Self-Service Establishment uses and Bars associated with Full-Service Restaurants for residents in the Upper Fillmore NCD. The proposed Ordinance promotes small business enterprises by fostering the growth of various Restaurant models, Specialty Food, Self-Service Establishments and Bars associated with Full-Service Restaurants in the Upper Fillmore NCD.*

*The proposed Ordinance promotes the mixed commercial-residential character in the Upper Fillmore NCD by allowing new Restaurants, Bars associated with Full-Service Restaurants, and Specialty Food, Self-Service establishments on a case-by-case basis, which will serve the residents in the neighborhood and contribute to the existing mix of businesses in the Upper Fillmore NCD.*

11. The proposed replacement project is consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

- A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

*The proposed Ordinance will encourage neighborhood-serving retail uses and opportunities for employment in or ownership of such businesses in the Upper Fillmore NCD by allowing new eating and drinking uses through the Conditional Use Authorization process.*

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

*The proposed legislation requires the Planning Commission to use the Conditional Use criteria when evaluating each proposed Restaurant use, Specialty Food, Self-Service Establishment and a Bar associated with Full-Service Restaurant. The Conditional Use process will allow for the continued presence and economic viability of existing neighborhood establishments while not negatively affecting existing residential development, housing or neighborhood character.*

- C) The City's supply of affordable housing will be preserved and enhanced:

*The proposed Ordinance will have no adverse effect on the City's supply of affordable housing.*

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

*The proposed Ordinance will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.*

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

*The proposed Ordinance would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.*

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*Preparedness against injury and loss of life in an earthquake is unaffected by the proposed amendments. Any new construction or alteration associated with a use would be executed in compliance with all applicable construction and safety measures.*

- G) That landmark and historic buildings will be preserved:

*Landmarks and historic buildings would be unaffected by the proposed amendments. Should a proposed use be located within a landmark or historic building, such site would be evaluated under Planning Code provisions and comprehensive Planning Department policies.*

- H) Parks and open space and their access to sunlight and vistas will be protected from development:

*The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed amendments. It is not anticipated that permits would be such that sunlight access, to public or private property, would be adversely impacted.*

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on June 17, 2010.

Linda Avery  
Commission Secretary

AYES:

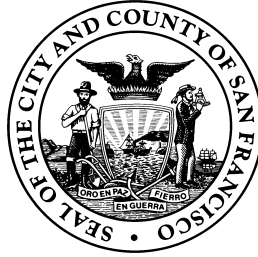
NAYS:

ABSENT:

ADOPTED: January 13, 2011



**BOARD of SUPERVISORS**



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November 2, 2010

Linda Avery  
Planning Commission  
1660 Mission Street, 5<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Commissioners:

On October 19, 2010, Supervisor Alioto-Pier introduced the following proposed legislation:

**File No. 101309**

Ordinance amending the San Francisco Planning Code by amending Section 718.1 and Sections 718.42, 718.44, and 718.69A of the Zoning Control Table to allow new full-service restaurants, small self-service restaurants, and self-service specialty food establishments with conditional use authorization and to amend Section 718.41 and add a specific provision for full-service restaurants to allow a bar in conjunction with a full-service restaurant with conditional use authorization; adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

The proposed ordinance is being transmitted pursuant to Planning Code Section 302(b) for public hearing and recommendation. The ordinance is pending before the Land Use & Economic Development Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Somera".

By: Alisa Somera, Committee Clerk  
Land Use & Economic Development Committee

Attachment

- c: John Rahaim, Director of Planning
- AnMarie Rodgers, Legislative Affairs
- Tara Sullivan, Legislative Affairs
- Brett Bollinger, Major Environmental Analysis
- Kate Stacy, Deputy City Attorney

1 [Planning Code - Upper Fillmore Neighborhood Commercial District]

2

3 **Ordinance amending the San Francisco Planning Code by amending Section 718.1 and**  
4 **Sections 718.42, 718.44, and 718.69A of the Zoning Control Table to allow new full-**  
5 **service restaurants, small self-service restaurants, and self-service specialty food**  
6 **establishments with conditional use authorization and to amend Section 718.41 and**  
7 **add a specific provision for full-service restaurants to allow a bar in conjunction with a**  
8 **full-service restaurant with conditional use authorization; adopting findings, including**  
9 **environmental findings, Planning Code Section 302 findings, and findings of**  
10 **consistency with the General Plan and the Priority Policies of Planning Code Section**  
11 **101.1.**

12

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

15

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

16

Section 1. Findings.

17

(a) The Planning Department has determined that the actions contemplated in this  
18 ordinance comply with the California Environmental Quality Act (California Public Resources  
19 Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of  
20 Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference.

21

(b) These Planning Code amendments will serve the public necessity, convenience,  
22 and welfare for the reasons set forth in Planning Commission Resolution No. \_\_\_\_\_ and  
23 the Board incorporates those reasons herein by reference. A copy of Planning Commission  
24 Resolution No. \_\_\_\_\_ is on file with the Clerk of the Board of Supervisors in File No.  
25 \_\_\_\_\_.

1 (c) These Planning Code amendments are consistent with the General Plan and  
2 with the Priority Policies of Planning Code Section 101.1 for the reasons set forth in Planning  
3 Commission Resolution No. \_\_\_\_\_, and the Board incorporates those reasons  
4 herein by reference.

5 Section 2. The San Francisco Planning Code is hereby amended by amending Section  
6 718.1, to read as follows:

7 SEC. 718.1. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

8 The Upper Fillmore Street Neighborhood Commercial District is situated in the south-  
9 central portion of Pacific Heights. It runs north-south along Fillmore Street from Jackson to  
10 Bush and extends west one block along California and Pine Streets. This medium-scaled,  
11 multi-purpose commercial district provides convenience goods to its immediate neighborhood  
12 as well as comparison shopping goods and services on a specialized basis to a wider trade  
13 area. Commercial businesses are active during both day and evening and include a number  
14 of bars, restaurants, specialty groceries, and specialty clothing stores.

15 The Upper Fillmore District controls are designed to protect the existing building scale  
16 and promote new mixed-use development which is in character with adjacent buildings.  
17 Building standards regulate large lot and use development and protect rear yards above the  
18 ground story and at residential levels. Most commercial uses are permitted at the first two  
19 stories of new buildings. Special controls are designed to preserve the existing equilibrium of  
20 neighborhood-serving convenience and specialty commercial uses. In order to maintain  
21 convenience stores and protect adjacent livability, additional bars and large fast food restaurants  
22 are prohibited, other eating and drinking establishments and self-service specialty foods require  
23 conditional use authorization ~~are prohibited~~ and ground-story entertainment and financial service  
24 uses are limited. In order to promote continuous retail frontage, drive-up and most automobile  
25 uses are prohibited.

1 Housing development in new buildings is encouraged above the second story. Existing  
 2 residential units are protected by limitations on demolitions and upper-story conversions.

3 Section 3. The San Francisco Planning Code is hereby amended by amending the  
 4 Zoning Control Table, to read as follows:

5 SEC.718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT  
 6 ZONING CONTROL TABLE.  
 7

			Upper Fillmore Street
No.	Zoning Category	§ References	Controls
<b>BUILDING STANDARDS</b>			
718.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 270, 271	40-X
718.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
718.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a) (e)
718.13	Street Frontage		Required § 145.1
718.14	Awning	§ 790.20	P § 136.1(a)
718.15	Canopy	§ 790.26	P § 136.1(b)
718.16	Marquee	§ 790.58	P § 136.1(c)
718.17	Street Trees		Required § 143
<b>COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES</b>			
718.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a) (b)
718.21	Use Size [Non-Residential]	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above § 121.2
718.22	Off-Street Parking,	§§ 150, 153—157, 159—	Generally, none required if

1		Commercial/Institutional	160, 204.5	occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
2	718.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
3				
4	718.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
5				
6	718.25	Drive-Up Facility	§ 790.30	
7	718.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
8				
9	718.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m.; C 2 a.m.—6 a.m.
10	718.30	General Advertising Sign	§§ 262, 602—604, 608, 609	
11	718.31	Business Sign	§§ 262, 602—604, 608, 609	P § 607.1(f) 2
12	718.32	Other Signs	§§ 262, 602—604, 608, 609	P § 607.1(c) (d) (g)
13				

14	No.	Zoning Category	§ References	Upper Fillmore Street		
				Controls by Story		
15			§ 790.118	1st	2nd	3rd+
16	718.38	Residential Conversion	§ 790.84	P	C	
17	718.39	Residential Demolition	§ 790.86	P	C	C
18	Retail Sales and Services					
19	718.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	P	
20	718.41	Bar	§ 790.22	<u>C#</u>		
21	718.42	Full-Service Restaurant	§ 790.92	<u>C</u>		
22	718.43	Large Fast Food Restaurant	§ 790.90			
23	718.44	Small Self-Service Restaurant	§ 790.91	<u>C</u>		
24	718.45	Liquor Store	§ 790.55	C		
25	718.46	Movie Theater	§ 790.64	P		
	718.47	Adult Entertainment	§ 790.36			
	718.48	Other Entertainment	§ 790.38	C		
	718.49	Financial Service	§ 790.110	C		

1	718.50	Limited Financial Service	§ 790.112	C		
	718.51	Medical Service	§ 790.114	P	P	
2	718.52	Personal Service	§ 790.116	P	P	
3	718.53	Business or Professional Service	§ 790.108	P	P	
4	718.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
5	718.55	Tourist Hotel	§ 790.46	C	C	C
6	718.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
7	718.57	Automotive Gas Station	§ 790.14			
8	718.58	Automotive Service Station	§ 790.17			
9	718.59	Automotive Repair	§ 790.15			
10	718.60	Automotive Wash	§ 790.18			
	718.61	Automobile Sale or Rental	§ 790.12			
11	718.62	Animal Hospital	§ 790.6	C		
	718.63	Ambulance Service	§ 790.2			
12	718.64	Mortuary	§ 790.62			
13	718.65	Trade Shop	§ 790.124	P		
	718.66	Storage	§ 790.117			
14	718.67	Video Store	§ 790.135	C	C	
15	718.68	Fringe Financial Service	§ 790.111			
16	718.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
	718.69A	Self-Service Specialty Food	§ 790.93	<u>C</u>		
17	718.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
18						
19	<b>Institutions and Non-Retail Sales and Services</b>					
	718.70	Administrative Service	§ 790.106			
20	718.80	Hospital or Medical Center	§ 790.44			
21	718.81	Other Institutions, Large	§ 790.50	P	C	C
22	718.82	Other Institutions, Small	§ 790.51	P	P	P
	718.83	Public Use	§ 790.80	C	C	C
23	718.84	Medical Cannabis Dispensary	§ 790.141	P		
24	718.85	Philanthropic Administrative Services	§ 790.107	P	P	P
25	<b>RESIDENTIAL STANDARDS AND USES</b>					

1	718.90	Residential Use	§ 790.88	P	P	P
2	718.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area § 207.4		
3	718.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208		
4	718.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)		
5	718.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
6	718.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR THE UPPER FILLMORE

NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7

Other Code

Code Section

Section

Zoning Controls

§ 719.41

§ 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 full-service restaurant use.

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

By: \_\_\_\_\_  
JUDITH A. BOYAJIAN  
Deputy City Attorney

## LEGISLATIVE DIGEST

[Planning Code – Upper Fillmore Neighborhood Commercial District]

**Ordinance amending the San Francisco Planning Code by amending Section 718.1 and Sections 718.42, 718.44, and 718.69A of the Zoning Control Table to allow new full-service restaurants, small self-service restaurants, and self-service specialty food establishments with conditional use authorization and to amend Section 718.41 and add a Specific Provision for full-service restaurants to allow a bar in conjunction with a full-service restaurant with conditional use authorization; adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.**

### Existing Law

Planning Code Section 718.1 establishes the Upper Fillmore Neighborhood Commercial District. The Section 718 Zoning Control Table sets forth the building standards and uses that are allowed in the Upper Fillmore NCD. The existing Code prohibits new full-service restaurants, small self-service restaurants, bars, and self-service specialty food uses among others uses.

### Amendments to Current Law

The proposed legislation would allow a new full-service restaurant, a small self-service restaurant, and a self-service specialty food use on the first floor with a conditional use authorization. A new bar would be allowed in conjunction with a full-service restaurant use with a conditional use authorization.

### Background Information

The restrictions on restaurants and specialty food establishments were put in place more than 20 years ago, before the City enacted the controls on formula retail establishments that are now in the Planning Code. Since formula retail controls are now in place to protect the neighborhood, the proposed legislation would open up the Upper Fillmore NCD street to new food options with a conditional use.





# SAN FRANCISCO PLANNING DEPARTMENT

## Restaurant Uses Permitted by Zoning District

JANUARY 2011

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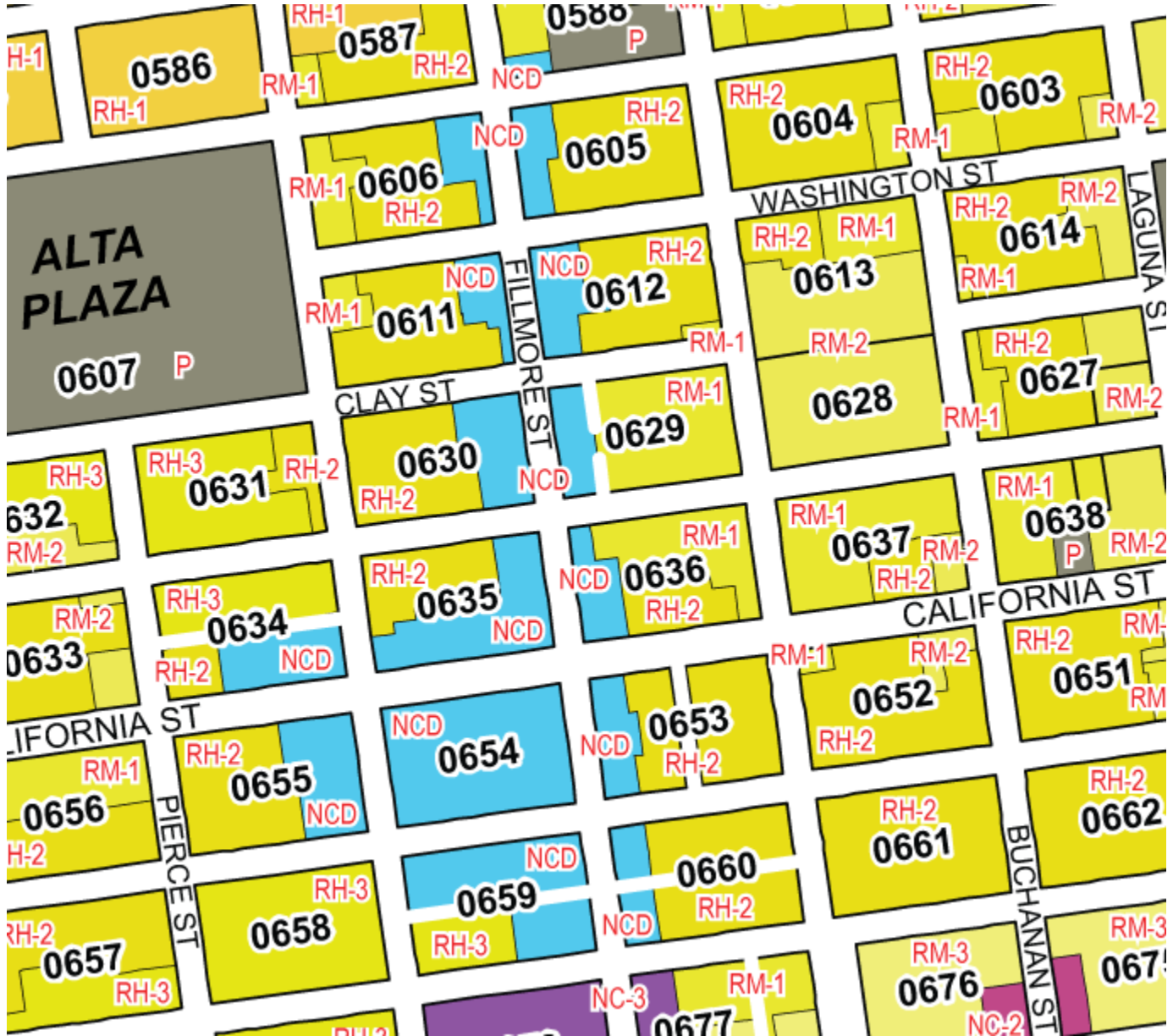
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Planning  
Information:  
**415.558.6377**

	Full Service 790.92	Small Self-Service 790.91	Large Fast Food 790.90
NC-1	P#	C	NP
NC-2	P#	P#	C#
NC-3	P	P#	C#
NC-S	P	P#	C
Broadway	P	C	NP
Castro	C	C	NP
Inner Clement	C# (3)	NP	NP
Outer Clement	NP	NP	NP
Upper Fillmore	NP	NP	NP
Haight	C# (3)	NP	NP
Hayes	P	P	C
Upper Market	C	C	NP
North Beach	C#	C#	NP
Polk	C	C	NP
Sacramento	C	C	NP
Union Street	C# (5)	C# (5)	NP
Valencia	P	P	C
24 <sup>th</sup> and Mission	P	P	NP
24 <sup>th</sup> and Noe	C	C	C
West Portal Avenue	C	NP	NP
Inner Sunset	C	C	NP
NCT-3	P	P#	C#
Pacific Avenue	C	NP	NP
Upper Market NCT	C	C	NP
NCT-2	P	P	C
SOMA NCT	P	P	C
Mission NCT	P	C	NP
<b>Fast Food Special Use Districts</b>			
Irving Fast Food (NC-2)	NP	C	NP
Taraval Fast Food (NC-1; NC-2)	C	C	NP
Geary Fast Food (NC-3)	N/A	N/A	NP
Mission Fast Food (NC-3)	N/A	C	NP

**NOTE:** NC-1, NC-2, and NC-3 have a # sign that references the Fast Food SUDs.

# Zoning Map



Alioto-Pier Legislation  
Case Number 2010.1059T  
Restaurant and Bar Changes  
Upper Fillmore NCD