

# RATIONALIZING RESTAURANT CONTROLS

## ISSUE:

Today's Planning Code requirements create a confusing maze of controls that are often overly specific. These controls may create unnecessary hurdles for restaurant owners while creating no real benefits for neighbors.



## WHAT RULES EXIST TODAY?

While it may not be obvious, every eating and drinking establishment in the city has been approved under at least one of thirteen definitions. These definitions set limits on the number of chairs provided, the size of the eating area, and even how the food should be prepared or served.

For example, the current rules for casual dining or fast food restaurants require that people order at the counter, pick up their food at the counter and have the food served in disposable wrappers. Many of today's restaurants don't fit these definitions from yesterday. Instead, many use a hybrid approach that allow people to order at the counter and have the food brought to them, or they use reusable plates and utensils to reduce waste and cost. Similarly under today's rules "Coffee Stores" are not allowed to make food on site; not even a sandwich, or heating up a sweet bun.

**CAN ANYTHING BE DONE?** Yes! Supervisors Wiener, Chu, and Olague believe that the Planning Commission has developed simpler rules that can both protect neighborhoods and benefit business. The proposal would replace 13 overly specific definitions with 3 basic definitions:

1. A **Limited-Restaurant** would not be permitted to serve alcohol for drinking on site. This use category is ideal for bakeries; bubble tea stores and take out restaurants.
2. A **Restaurant**, on the other hand, would be allowed to serve alcohol for drinking on site. This use category is ideal for any type of restaurant that also wants to be able to serve alcohol on site.
3. A **Bar** would be any use with a full liquor license, which allows spirits as well as beer and wine. This is would not change from existing law. So if a neighborhood currently prohibits new bars, then bars would continue to not be permitted at a restaurant. Consistent with current law, beer and wine would.

## WHAT IS THE HISTORY OF TODAY'S CONTROLS?

In 1987, the city developed tailored controls for many shopping districts. These controls are called "neighborhood commercial districts". At that time the controls were intended to ensure that chain restaurants, like McDonalds and Burger King did not push important neighborhood services and stores out of business.

Since 1987, more controls have been added over use, neighborhood notices, and over the allowable number of chain stores and restaurants. However, existing restaurant definitions have not been reevaluated to see if they still are effective or necessary. As a result, there are many redundant controls that just don't make a lot of sense anymore.

Also since 1987, the way restaurants operate has changed. Existing definitions do not necessarily reflect how restaurants operate today. As a result many restaurants have had to alter their business plans so that they are in compliance with the Planning Code, while others are simply not in compliance.

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## WHAT DOES THIS MEAN?

You may have read recent stories about an ice-cream shop in Cole Valley that bumped up against arcane restrictions ( "[Before Ice Cream Shop Can Open, City's Slow Churn](#)", Bay Citizen 2/3/12) or have seen our video of a hypothetical restaurateur ("[Hello City Planner](#)" on Youtube) who learns she can't heat a bagel in one neighborhood and must use disposable wrappers in another. While the Department is tasked with enforcing the City's planning law, we also want to make sure that the rules make sense, that they are not overly burdensome to business owners and that they are actually addressing the real impacts that restaurants have on our neighborhoods. These new rules would allow more flexibility for restaurants while still providing a mechanism for each neighborhood to decide what's appropriate in their community.

The new definitions would make the rules a lot simpler, more flexible, easier to understand while still controlling for the most impactful aspect of restaurants, alcohol service. Restaurants will no longer be categorized by how they serve their food or what type of food they prepare, but by whether or not they serve alcohol on site.



## WHAT ARE THE BENEFITS FOR RESTAURANT OWNERS?

The new rules will allow greater flexibility for restaurant owners to adapt to changing trends or business models and to try out new products. If a bakery wants to start having table service, or a tea shops wants to expand their offerings to include food, the new rules will allow for such flexibility and creativity.

## WHAT ARE THE BENEFITS FOR NEIGHBORS?

Individual neighborhoods can still set tailored controls to protect their unique character. Some neighborhoods have asked keep or establish prohibition on chain stores, this can be done. Others want to require a public hearing for restaurants with bars, this can be done. By focusing controls on the issues that matter, neighbors will benefit by seeing restaurants that are designed not by planning laws but by chefs and restaurateurs. Restaurants that thrive will be those that find a business model that serves today's eaters.

## WHAT'S NEXT?

The Board of Supervisors will consider this proposal at a public hearing on April 9, 2012. Talk to your friends and neighbors and then come to the meeting at City Hall to make sure your voice is heard.