



# SAN FRANCISCO PLANNING DEPARTMENT

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## Letter of Determination

April 12, 2010

Nidal Nazzal  
807 Valencia Street  
San Francisco CA 94110

**RE: 700 Haight Street**  
**Assessor's Block: 0848 Lot: 58 (previously Lot 008)**  
**Zoning District: NC-1 (Neighborhood Commercial Cluster)**

Dear Mr. Nazzal:

This letter is in response to your request for a letter of determination with regard to removing a "Notice of Special Restrictions under the City Planning Code (NSR)" you had recorded on March 9, 2000, as Document #2000G744263 in association with Building Permit Application No. 9923015, with the San Francisco County Recorder's Office for the above-referenced property.

The 1,125 square foot subject site is occupied by a three-story residential and commercial building built in 1999. It is located in an NC-1 (Neighborhood Commercial Cluster) District and a 40-X Height and Bulk District. The ground floor commercial space is currently occupied by a full-service restaurant with approximately 1,300 square feet of floor area dba Burger Joint. The NSR indicated that the subject commercial space shall be used as a full-service restaurant with no sale of alcoholic beverages in the NC-1 District within ¼ mile from any NC (Neighborhood Commercial) District or Restricted Use Subdistrict with more restrictive controls, in this case, the Haight Street NCD. On August 29, 2000, the Planning Department approved a health permit application zoning referral (MB0000839) from the Department of Environmental Health for the full-service restaurant use with the condition that the establishment could not sell alcoholic beverages on-site. You have requested that the Zoning Administrator make a determination as to whether the existing NSR could be removed to allow you to remain in business during difficult economic times, and that there are currently other existing restaurants within the neighborhood that are allowed to serve beer and wine at their establishments.

I have reviewed the Planning Department records, and conclude that the 2000 NSR is no longer necessary as it is not applicable to the subject property under the current Planning Code requirements. A closer review of the records with the more accurate methods available to us today indicates that this property is not within ¼ mile of any NC District or Restricted Use Subdistrict restricting the sale of on-sale beer and wine. Planning Code Section 710.42 allows a full-service restaurant to provide on-site beer and/or wine for drinking on the premises with Alcoholic Beverage Licenses Types 40, 41, or 60 within the NC-1 District. I have attached a new "Notice of Special Restrictions under the Planning Code" for your use in replacing the 2000 NSR. The new document, which must be recorded per the attached instructions, clarifies that the 2000 NSR is no longer applicable and that the full-service restaurant dba Burger Joint may provide for the sale of on-site alcoholic beverages on the premises.

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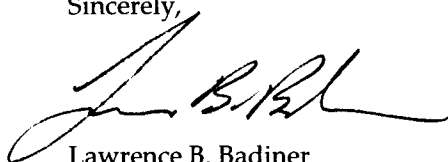
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If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

If you have any questions regarding this matter, please contact me or my staff Sharon M. Young at (415) 558-6346 or [sharon.m.young@sfgov.org](mailto:sharon.m.young@sfgov.org).

Sincerely,



Lawrence B. Badiner  
Zoning Administrator

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