

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

# MEMORANDUM

TO: Regina Dick-Endrizzi, Director  
**Small Business Commission, City Hall, Room 448**

FROM: *EM* Erica Major, Assistant Clerk  
Land Use and Transportation Committee

DATE: September 11, 2018

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS  
Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

**File No. 180861**

**Ordinance amending the Planning Code to provide that temporary closure of a liquor store in the North Beach Neighborhood Commercial District (NCD) as a result of a fire is not an abandonment of such use, and that relocation of such use to another location in the North Beach NCD does not require a new Conditional Use permit; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.**

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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**RESPONSE FROM SMALL BUSINESS COMMISSION - Date:** \_\_\_\_\_

- No Comment
- Recommendation Attached

\_\_\_\_\_  
**Chairperson, Small Business Commission**

1 [Planning Code - Fire-Damaged Liquor Stores in North Beach Neighborhood Commercial  
2 District]

3 **Ordinance amending the Planning Code to provide that temporary closure of a liquor**  
4 **store in the North Beach Neighborhood Commercial District (NCD) as a result of a fire**  
5 **is not an abandonment of such use, and that relocation of such use to another location**  
6 **in the North Beach NCD does not require a new Conditional Use permit; affirming the**  
7 **Planning Department's determination under the California Environmental Quality Act;**  
8 **and making findings of consistency with the General Plan, and the eight priority**  
9 **policies of Planning Code, Section 101.1, and findings of public necessity,**  
10 **convenience, and welfare under Planning Code, Section 302.**

11 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
12 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
13 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
14 **Board amendment additions** are in double-underlined Arial font.  
15 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
16 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
17 subsections or parts of tables.

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

19 Section 1. Environmental and Land Use Findings.

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

25 (b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_,  
adopted findings that the actions contemplated in this ordinance are consistent, on balance,

1 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The  
 2 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of  
 3 the Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.

4 (c) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_,  
 5 approved this ordinance, recommended it for adoption by the Board of Supervisors, and  
 6 adopted findings that it will serve the public necessity, convenience, and welfare. Pursuant to  
 7 Planning Code Section 302, the Board adopts these findings as its own. A copy of said  
 8 Resolution is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_, and is  
 9 incorporated herein by reference.

10  
 11 Section 2. The Planning Code is hereby amended by revising Section 722, to read as  
 12 follows:

13 **SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.**

14 \* \* \* \*

15 **Table 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT**  
 16 **ZONING CONTROL TABLE**

17 \* \* \* \*

Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL STANDARDS AND USES</b>				
* * * *				
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P(10)	P(10)	NP

1	* * * *			
2	Liquor Store	§102	C(12)	NP NP
3	* * * *			

4

5 \* Not listed below

6 \* \* \* \*

7 (12) Temporary closures of up to three years of existing liquor stores located in the North  
8 Beach Neighborhood Commercial District, for reconstruction or repair after a fire, shall not be  
9 considered an abandonment of such use pursuant to Section 178 of this Code, unless the original liquor  
10 store elects to relocate somewhere else permanently. Temporary relocation of liquor stores in the  
11 North Beach Neighborhood Commercial District that have been closed as a result of a fire to another  
12 location in the North Beach Neighborhood Commercial District shall not require a new Conditional  
13 Use Permit for the duration of up to three years of interim relocation.

14

15 Section 3. Effective Date. This ordinance shall become effective 30 days after  
16 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
17 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
18 of Supervisors overrides the Mayor's veto of the ordinance.

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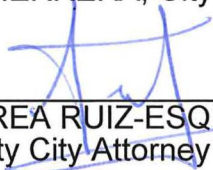
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Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

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

By:   
\_\_\_\_\_  
ANDREA RUIZ-ESQUIDE  
Deputy City Attorney

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## LEGISLATIVE DIGEST

[Planning Code - Fire-Damaged Liquor Stores in North Beach Neighborhood Commercial District]

**Ordinance amending the Planning Code to provide that temporary closure of a liquor store in the North Beach Neighborhood Commercial District (NCD) as a result of a fire is not an abandonment of such use, and that relocation of such use to another location in the North Beach NCD does not require a new Conditional Use permit; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.**

### Existing Law

Currently, liquor stores are allowed in the North Beach Neighborhood Commercial District with a Conditional Use Permit. Additionally, conditional uses that are abandoned for 18 months or more require a new Conditional Use Permit to reopen in this district.

### Amendments to Current Law

This ordinance would amend the North Beach Neighborhood Commercial District Use Zoning Control Table to add a note to "Liquor Stores." The note sets forth an exception to the Conditional Use requirement for liquor stores and abandonment period in the area. It states that: "Temporary closures of up to three years of existing liquor stores located in the North Beach Neighborhood Commercial District, for reconstruction or repair after a fire, shall not be considered an abandonment of such use pursuant to Section 178 of this Code, unless the original liquor store elects to relocate somewhere else permanently. Temporary relocation of liquor stores in the North Beach Neighborhood Commercial District that have been closed as a result of a fire to another location in the North Beach Neighborhood Commercial District shall not require a new Conditional Use Permit for the duration of up to three years of interim relocation."

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# Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2018 SEP -4 PM 4:57  
Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [ ] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Topic submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Supervisor Peskin

Subject:

[Planning Code - Fire-Damaged Liquor Stores in North Beach Neighborhood Commercial District]

The text is listed:

Ordinance amending the Planning Code to provide that temporary closure of a liquor store in the North Beach Neighborhood Commercial District (NCD) as a result of a fire is not an abandonment of such use, and that relocation of such use to another location in the North Beach NCD does not require a new Conditional Use permit; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1 and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Signature of Sponsoring Supervisor: [ ]

For Clerk's Use Only