

BOARD of SUPERVISORS



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April 8, 2022

Planning Commission
Attn: Jonas Ionin
49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103

Dear Commissioners:

On April 5, 2022, Supervisor Peskin submitted the following legislation:

File No. 220342

Ordinance amending the Planning Code to extend the time, from three to six years from the date of a fire, for a temporary closure of a liquor store in the North Beach Neighborhood Commercial District (NCD) as a result of the fire to not result in an abandonment of such use, and for the relocation of such use to another location in the North Beach NCD to 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.

The proposed ordinance is being transmitted for review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

c: Rich Hillis, Director
Tina Tam, Deputy Zoning Administrator
Corey Teague, Zoning Administrator
Lisa Gibson, Environmental Review Officer
Devyani Jain, Deputy Environmental Review Officer
AnMarie Rodgers, Director of Citywide Planning
Dan Sider, Chief of Staff
Aaron Starr, Manager of Legislative Affairs
Joy Navarrete, Environmental Planning

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

2

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

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

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

20 Section 1. Environmental and Land Use Findings.

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

1 (b) On _____, the Planning Commission, in Resolution No. _____,
 2 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
 3 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
 4 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
 5 the Board of Supervisors in File No. _____, and is incorporated herein by reference.

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

12
 13 Section 2. Article 7 of the Planning Code is hereby amended by revising Section 722,
 14 to read as follows:

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

16 * * * *

17 **Table 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT**
 18 **ZONING CONTROL TABLE**

19 * * * *

Zoning Category	§ References	Controls
NON-RESIDENTIAL STANDARDS AND USES		
* * * *		
Sales and Service Use Category		

1	Retail Sales and Service	§§ 102, 202.2(a), 202.3	P(10)	P(10)	NP
2	Uses*				
3	* * * *				
4	Liquor Store	§102	C(12)	NP	NP
5	* * * *				

6

7 * Not listed below

8 * * * *

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

17

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

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

7
8 APPROVED AS TO FORM:
9 DAVID CHIU, City Attorney

10 By: /s/ Andrea Ruiz-Esquide
11 ANDREA RUIZ-ESQUIDE
12 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 extend the time, from three to six years from the date of a fire, for a temporary closure of a liquor store in the North Beach Neighborhood Commercial District (NCD) as a result of the fire to not result in an abandonment of such use, and for the relocation of such use to another location in the North Beach NCD to 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

Liquor stores are allowed in the North Beach Neighborhood Commercial District (North Beach NCD) 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.

In 2018, the Board adopted Ordinance No. 263-18, to create an exception to the Conditional Use requirement for liquor stores and abandonment period in the area. It provided that temporary closures of up to three years of existing liquor stores located in the North Beach NCD, for reconstruction or repair after a fire, would not be considered an abandonment of such use, and that temporary relocation of liquor stores in the North Beach NCD that have been closed as a result of a fire to another location in the North Beach NCD would not require a new Conditional Use Permit for the duration of up to three years of interim relocation.

Amendments to Current Law

This ordinance would extend the exception created by Ordinance No. 263-18 for another three years, for a total of six years from the date of the fire.

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Introduction Form

By a Member of the Board of Supervisors or Mayor

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 extend the time, from three to six years from the date of a fire, for a temporary closure of a liquor store in the North Beach Neighborhood Commercial District (NCD) as a result of the fire to not result in an abandonment of such use, and for the relocation of such use to another location in the North Beach NCD to 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: []

