

LEGISLATIVE DIGEST

[Planning Code - Relocation of Bar Uses]

Ordinance amending the Planning Code to principally permit the relocation of Bar Uses with Alcohol Beverage Control licenses as of May 19, 2003 within the Third Street Alcohol Restricted Use District and the Bayview Neighborhood Commercial District; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302

Existing Law

Under the Planning Code, bars, liquor stores, and other premises selling alcohol are subject to zoning controls based on the districts where they are located. In 2003, the Third Street Alcohol Restricted Use District (the "RUD") was established, prohibiting new bars, liquor stores, and certain other uses that sell alcohol, subject to limited exceptions. Bars, liquor stores, and similar uses that existed prior to the RUD's creation may continue to operate as non-conforming uses under the RUD, provided that they are operated continuously and without substantial change in the operation. An alcohol establishment with an ABC License issued prior to May 19, 2003 may relocate within the RUD if it obtains conditional use authorization from the Planning Commission.

In the Bayview Neighborhood Commercial District (the "NCD"), bars and liquor stores are generally not permitted.

Amendments to Current Law

The ordinance allows bars with ABC Licenses issued before May 19, 2003 to relocate within the RUD without the conditional use authorization required for other types of uses relocating within the RUD. The ordinance makes a conforming change to the NCD, indicating that relocation of a bar pursuant to the RUD is principally permitted, and relocation of other uses is conditionally permitted. The ordinance also makes non-substantive clarifying edits to the RUD and NCD.