

1 [Regulating the permitted locations of new liquor stores and their conditions of operation.]

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3 **Motion ordering submitted to the voters an Ordinance authorizing amendment of the**  
4 **Planning Code by adding Section 226.5 to impose a distance requirement of 1,000 feet**  
5 **or more between new off-sale liquor stores and existing liquor stores, schools, public**  
6 **libraries and recreation centers and establishing conditions for operation of liquor**  
7 **stores at an election to be held on June 3, 2008.**

8

9 MOVED, That the Board of Supervisors hereby submits the following ordinance to the  
10 voters of the City and County of San Francisco, at an election to be held on June 3, 2008.

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12 **Ordinance amending the Planning Code by adding Section 226.5 to impose a distance**  
13 **requirement of 1,000 feet or more between new off-sale liquor stores and existing**  
14 **liquor stores, schools, public libraries and recreation centers and establishing**  
15 **conditions for operation of liquor stores.**

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Note: Additions are *single-underline italics Times New Roman*;  
17 deletions are *strikethrough italics Times New Roman*.

18

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

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20 Section 1. Findings. The Board of Supervisors of the City and County of San  
21 Francisco hereby finds and determines that the Planning Department conducted  
22 environmental review of this ordinance pursuant to the California Environmental Quality Act,  
23 Public Resources Code Section 21000 et seq. Documentation of that review is on file with the  
24 Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

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Section 2. The San Francisco Planning Code is hereby amended by adding new  
Section 226.5, to read as follows:

1           SEC. 226.5. Alcohol Reduction and Safer Neighborhoods Act: Permitted Locations Of New  
2           Liquor Stores And Their Conditions Of Operation.

3           (a) Name; Applicability.

4           This ordinance shall be known as the Alcohol Reduction and Safer Neighborhoods Act, and  
5           shall apply throughout the City and County of San Francisco (the "City").

6           (b) Findings.

7           (1) The City has the highest ratio of off-sale alcohol uses per capita in California, the great  
8           majority of which are liquor stores; and,

9           (2) Nuisance and criminal activities such as drug dealing, public drunkenness, loitering, and  
10           other behaviors that negatively impact neighborhoods occur with disproportionate frequency at and  
11           around the premises of off-sale alcohol uses, particularly where fortified wines and fortified malt  
12           beverages are sold; and,

13           (3) Poorly regulated off-sale alcohol uses increase the availability of alcohol in the  
14           communities in which they are located, and studies have demonstrated a link between the availability of  
15           alcohol and numerous negative consequences, including violence, fatal traffic crashes, and nuisance  
16           law violations; and,

17           (4) These nuisances are further exacerbated by a high concentration of liquor stores which  
18           dedicate a significant portion of their floor space to the sale of fortified wines and malt beverages; and

19           (5) In order to address these problems, it is necessary to regulate the location and conditions of  
20           operation of liquor stores within the City.

21           (c) Definitions.

22           (1) "Liquor store" shall mean a retail use which sells beer, wine, or distilled spirits to a  
23           customer in an open or closed container for consumption off the premises and which needs a State of  
24           California Alcoholic Beverage Control License type 20 (off-sale beer and wine) or type 21 (off-sale  
25           general).

1           (2) "Fortified wine" shall mean any wine with an alcohol content greater than 15% per volume,  
2 except for "dinner wines" that have been aged two years or more.

3           (3) "Fortified malt beverage" shall mean any malt beverage with an alcohol content greater  
4 than 5.7% per volume.

5           (4) "Grocery store" shall mean a retail food establishment that (i) offers a diverse variety of  
6 unrelated, non-complementary food and non-food commodities, such as non-alcoholic beverages,  
7 dairy, dry goods, fresh produce and other perishable items, frozen foods, household products, and  
8 paper goods; (ii) prepares minor amounts or no food on site for immediate consumption, and (iii)  
9 markets the majority of its merchandise at retail prices.

10           (d) Permitted Locations of Liquor Stores and their Conditions of Operation.

11           (1) No new liquor store shall be permitted to establish business within 1,000 feet of an existing  
12 liquor store, an elementary or secondary school, whether public or private, a public library or a  
13 recreational center operated by the San Francisco Recreation & Parks Department where children are  
14 present on a regular basis.

15           (2) No new liquor store shall be permitted to devote more than 0.5 % of the gross square  
16 footage of the establishment to the display and sale of fortified wines and fortified malt beverages.

17           (3) A grocery store shall be permitted to establish business within 1,000 feet of an existing  
18 liquor store, an elementary or secondary school, whether public or private, a public library or a  
19 recreational center operated by the San Francisco Recreation & Parks Department where children are  
20 present on a regular basis, provided that (i) the grocery store shall not devote more than 15% of the  
21 gross square footage of the establishment to the display and sale of alcoholic beverages and (ii) the  
22 grocery store shall not devote more than 0.5% of the total square footage devoted to the display and  
23 sale of alcoholic beverages to the display and sale of fortified wines and fortified malt beverages.

24           (4) No more than 20 % of the total square footage of the windows and clear doors of any liquor  
25 store or grocery store shall bear signs or advertisement of any sort. All advertising and signage shall

1 be placed and maintained in a manner that ensures that law enforcement personnel have a clear and  
2 unobstructed view of the interior of the premises, including the area in which the cash registers are  
3 maintained, from the exterior public sidewalk or entrance to the premises. This requirement shall not  
4 apply to premises where there are no windows or where the existing windows are located at a height  
5 that precludes a view of the interior of the premises by a person standing outside the premises.

6 (e) Further Regulation.

7 The requirements of this Ordinance shall be in addition to any restrictions, conditions or  
8 requirements already applicable to the establishment of liquor stores in the City. Furthermore, nothing  
9 in this Ordinance shall preclude the Board of Supervisors from adopting more restrictive provisions for  
10 the location and conditions of operation of liquor stores.

11 (d) Severability.

12 If any provision of this Ordinance, or any application of this Ordinance to any person or  
13 circumstance is held invalid, such invalidity shall not affect any provision or application of this  
14 Ordinance that can be given effect without the invalid provision or application. To this end, the  
15 provisions of this ordinance are severable.

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

20 By: \_\_\_\_\_  
21 Andrea Ruiz-Esquide  
22 Deputy City Attorney  
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