

1 [Ordinance creating the Third Street Alcohol Restricted Use District, prohibiting new liquor
2 establishments, regulating existing non-conforming liquor establishments, and amending
3 Zoning Map Sheets 8SU and 10SU to indicate the boundaries of the Third Street Alcohol
4 Restricted Use District.]

5 **Ordinance adding Section 782 to the Planning Code to create a Third Street Alcohol**
6 **Restricted Use District prohibiting liquor establishments and regulating existing non-**
7 **conforming liquor establishments; amending Zoning Map Sheet 8SU and 10SU of the**
8 **City and County of San Francisco to indicate the boundaries of the Third Street Alcohol**
9 **Restricted Use District, and making findings of consistency with the priority policies of**
10 **Planning Code Section 101.1 and the General Plan.**

11 Note: Additions are single-underline italics Times New Roman;
12 deletions are ~~strikethrough italics Times New Roman~~.
13 Board amendment additions are double underlined.
14 Board amendment deletions are ~~strikethrough normal~~.

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

16 Section 1. Findings. The Board of Supervisors of the City and County of San Francisco
17 hereby finds and determines that:

18 (a) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
19 ordinance will serve the public necessity, convenience and welfare for the reasons set forth in
20 Planning Commission Resolution No. _____ recommending approval of this Planning Code
21 Amendment, and incorporates such reasons by this reference thereto. A copy of said
22 resolution is on file with the Clerk of the Board of Supervisors in File No. _____.

23 (b) Pursuant to Planning Code Section 101.1, this Board of Supervisors finds that this
24 ordinance is in consistent with the Priority Policies of Section 101.1(b) of the Planning Code
25 and, when effective, with the General Plan as proposed to be amended and hereby adopts

1 the findings of the Planning Commission, as set forth in Planning Commission Resolution No.
2 _____, and incorporates said findings by this reference thereto.

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4 Section 2. The San Francisco Planning Code is hereby amended by adding Section
5 782, to read as follows:

6 Section 782 **Third Street Alcohol Restricted Use District Established.**

7 There is an unusually large number of establishments dispensing alcoholic beverages, including
8 beer and wine, for both on-site and off-site consumption in the Bayview area. The existence of this
9 many alcoholic beverage establishments appears to contribute directly to numerous peace, health,
10 safety and general welfare problems in the area, including loitering, littering, drug trafficking,
11 prostitution, public drunkenness, defacement and damaging of structures, pedestrian obstructions, as
12 well as traffic circulation, parking and noise problems on public streets and neighborhood lots. The
13 existence of such problems creates serious impacts on the health, safety and welfare of residents of
14 nearby single- and multiple-family areas, including fear for the safety of children, elderly residents and
15 of visitors to the area. The problems also contribute to the deterioration of the neighborhood and
16 concomitant devaluation of property and destruction of community values and quality of life. The
17 number of establishments selling alcoholic beverages and the associated problems discourage more
18 desirable and needed commercial uses in the area.

19 (a) In order to preserve the residential character and the neighborhood-serving commercial
20 uses of the area, the Third Street Alcohol Restricted Use District (Third Street Alcohol RUD) is hereby
21 established for the property in the area generally bounded by Islais Creek to the North, Quint Street,
22 Phelps Street, Tampa Street, Bridgeview Drive, Newhall Street, Venus Street and Egbert Avenue to the
23 West, US Highway 101 to the South, and Mendell Street, La Salle Avenue, Keith Street, Palou Street,
24 Jennings Street, and Ingalls Street to the East, as designated on Sectional Map numbers 8 and 10. The
25 Third Street Alcohol RUD is designated on Section Map Numbers 8SU and 10SU.

1 (1) No new on-sale or off-sale liquor establishment shall be permitted in the Third
2 Street Alcohol RUD.

3 (2) The prohibition on Liquor Establishments shall not be interpreted to prohibit the
4 following:

5 (A) Temporary uses, as described in Planning Code Section 205.1 or 205.3; or

6 (B) Establishment of a Liquor Establishment if application for such Liquor
7 Establishment is on file with the California Department of Alcoholic Beverage Control prior to the
8 effective date of legislation establishing the Third Street Alcohol RUD.

9 (3) Continuation of existing Prohibited Liquor Establishments. In the Third Street
10 Alcohol RUD, any Prohibited Liquor Establishment may continue in accordance with Planning Code
11 Section 180 through 186.2, subject to the following provisions.

12 (A) A Prohibited Liquor Establishment lawfully existing and selling alcoholic
13 beverages as licensed by the State of California prior to the effective date of this legislation, or
14 subsequent legislation prohibiting that type of Liquor Establishment, so long as otherwise lawful, may
15 continue to operate only under the following conditions, as provided by California Business and
16 Professions Code Section 23790:

17 (1) Except as provided by Subsection (B) below, the premises shall retain the same
18 type of retail liquor license within a license classification; and

19 (2) Except as provided by Subsection (B) below, the licensed premises shall be
20 operated continuously, without substantial change in mode or character of operation.

21 (B) A break in continuous operation shall not be interpreted to include the following,
22 provided that the location of the establishment does not change, the square footage used for the sale of
23 alcoholic beverages does not increase, and the type of California Department of Alcoholic Beverage
24 Control liquor license (“ABC License”) does not change except as indicated:

1 (1) A change in ownership of a Prohibited Liquor Establishment or an owner-to-
2 owner transfer of an ABC License; or

3 (2) Re-establishment, restoration or repair of an existing Prohibited Liquor
4 Establishment on the same lot after total or partial destruction or damage due to fire, riot, insurrection,
5 toxic accident or act of God; or

6 (3) Temporary closure of an existing Prohibited Liquor Establishment for not more
7 than ninety (90) days for repair, renovation or remodeling;

8 (4) Re-location of an existing Prohibited Liquor Establishment in the Third Street
9 Alcohol RUD to another location within the same Third Street Alcohol RUD with conditional use
10 authorization from the City Planning Commission, provided that the original premises shall not be
11 occupied by a Prohibited Liquor Establishment, unless by another Prohibited Liquor Establishment
12 that is also relocating from within the Third Street Alcohol RUD.

13 (5) A change from a Type 21 (off-sale general) to a Type 20 (off-sale beer and wine)
14 license.

15 (b) Definitions:

16 (1) A “liquor establishment” shall mean any enterprise selling alcoholic beverages,
17 as defined by California Business and Professions Code Section 23004 and 23025, pursuant to a
18 California Alcoholic Beverage Control Board license.

19 (2) An “on-sale liquor establishment” shall mean any liquor establishment which
20 has obtained Alcoholic Beverage Control Board License type 40 (on-sale beer), type 41 (on-sale beer
21 and wine eating place), type 42 (on-sale beer and wine public premises), type 47 (on-sale general
22 eating place), type 48 (on-sale general- public premises) or type 57 (special on-sale general) selling
23 alcoholic beverages for consumption on the premises. Typical on-sale establishments may include but
24 are not limited to bars and restaurants serving alcoholic beverages. It shall not include types 51,
25 52,59, 60, 61 67, 70 or 75.

1 (3) An “off-sale liquor establishment” shall mean any liquor establishment which
2 has obtained Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) or type 21
3 (off-sale general) selling alcoholic beverages in an open or a closed container for consumption off the
4 premises. Typical off-sale liquor establishments may include but are not limited to the following uses
5 licensed to sell off-sale alcoholic beverages: food markets, supermarkets, drugstores, liquor stores,
6 bars and convenience markets. It shall not include producers and distributor's licenses for offices or
7 establishments not open to the general public.

8 (4) A “prohibited liquor establishment” shall mean any establishment selling
9 alcoholic beverages lawfully existing prior to the effective date of the establishment of the Third Street
10 Alcohol RUD and licensed by the State of California for the retail sale of alcoholic beverages for on or
11 off-site consumption, so long as otherwise lawful.

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13 Section 3. Amendment of Sheet 8SU of the Zoning Map. In accordance with Planning
14 Code sections 106 and 302, the following change is hereby adopted as an amendment to
15 Zoning Map Sheet 8SU of the City and County of San Francisco, a copy of which is on file
16 with the Clerk of the Board of Supervisors in File No. _____:

17 The area generally bounded by Islais Creek to the North, Quint Street to the West,
18 Evans Avenue to the South, and Mendell Street to the East, and as indicated on a map of the
19 Third Street Alcohol Restricted Use District, a copy of which is on file with the Clerk of the
20 Board of Supervisors in File No. _____, shall be part of the Third Street Alcohol
21 Restricted Use District.

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23 Section 4. Amendment of Sheet 10 SU of the Zoning Map. In accordance with
24 Planning Code sections 106 and 302, the following change is hereby adopted as an
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1 amendment to Zoning Map Sheet 8SU of the City and County of San Francisco, a copy of
2 which is on file with the Clerk of the Board of Supervisors in File No. _____:

3 The area generally bounded by Evans Avenue to the North, Quint Street to the West,
4 Evans Avenue to the South, Quint Street, Phelps Street, Tampa Street, Bridgeview Drive,
5 Newhall Street, Venus Street and Egbert Avenue to the West, US Highway 101 to the South,
6 and Mendell Street, La Salle Avenue, Keith Street, Palou Street, Jennings Street, and Ingalls
7 Street to the East, and as indicated on a map of the Third Street Alcohol Restricted Use
8 District, a copy of which is on file with the Clerk of the Board of Supervisors in File No. __
9 _____, shall be part of the Third Street Alcohol Restricted Use District.

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

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15 By: _____
16 Sarah Ellen Owsowitz
17 Deputy City Attorney

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