

REVISED LEGISLATIVE DIGEST

(4/1/2013, Amended in Committee)

[Planning Code, Zoning Map - Polk Street Alcohol and Tobacco Paraphernalia Restrictions; Establishing Lower Polk Street Alcohol Restricted Use District]

Ordinance amending the Planning Code, by amending Section 723, to extend the restriction on Tobacco Paraphernalia Establishments in the Polk Street Neighborhood Commercial District (NCD) for an additional three years and apply it to an area within one-quarter mile of the boundaries of the NCD; adding new Section 788, to establish the Lower Polk Street Alcohol Restricted Use District for the properties located on Polk Street between California Street to the north, O'Farrell Street to the south, and Polk Street's side streets between California Street, Larkin Street, O'Farrell Street and Van Ness Avenue; amending Zoning Map, Sheet ZN-02, to designate the Lower Polk Street Alcohol Restricted Use District; and making environmental findings, Planning Code, Section 302, findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1.

Existing Law

The Polk Street Neighborhood Commercial District ("NCD") currently provides controls for tobacco paraphernalia that expire 3 years from the original effective date of the restrictions.

The current controls encourage neighborhood-serving businesses, but limit new eating, drinking, other entertainment, and financial service uses. Bars and liquor stores require conditional use approval. Limited Restaurants are principally permitted uses and Restaurants require conditional use approval. A Restaurant may only add ABC license types 47, 49 or 75 as a conditional use on the ground level if the Planning Commission finds that the restaurant is operating as a Bona Fide Eating Place, as defined in Section 790.142 of the Planning Code.

Amendments to Current Law

This Ordinance extends the tobacco paraphernalia restrictions from 3 years to 6 years of the original effective date of the restrictions in the Polk Street NCD and extends the restriction to the area within one-quarter mile of the Polk Street NCD.

This Ordinance establishes the Lower Polk Street Alcohol Restricted Use District (the "RUD") for the properties located on Polk Street between California Street and O'Farrell Street, and Polk Street's side streets between, but not including, Van Ness Avenue and Larkin Street to the west and east, and between, but not including, California Street and O'Farrell Street to the

north and south. This RUD comprises a portion of the Polk Street NCD and extends to the side streets around Polk Street.

The RUD prohibits the establishment of new liquor establishments, and exempts from the definition of “liquor establishments” a Bona Fide Eating Place, an “other retail sales and service” use that sells only general groceries or specialty groceries, as defined in Planning Code Section 790.102 (a) or (b), respectively.

Liquor license transfers are permitted between two liquor establishments located within the RUD, or a liquor license may be transferred out of the RUD.

Restaurants with Types 47 and 49 liquor licenses may be open past 12:00 midnight, as long as they continue to serve food.

The legislation also amends the San Francisco Zoning Map, Sectional Map ZN-02, to establish the boundaries of the Lower Polk Alcohol Restricted Use District.

The legislation will be repealed five (5) years after its initial Effective Date, unless the Board of Supervisors extends or re-enacts it. The legislation would not apply to any liquor establishment that has filed a complete application for an ABC License with the California Alcoholic Beverage Control Board prior to the Effective Date of the Ordinance.

Background Information

Concerns about the number of tobacco paraphernalia stores and alcohol establishments, and the resulting impacts on the neighborhood, have created the need for these amendments.