

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: Sarah Dennis-Phillips, Executive Director, Office of Economic and Workforce Development
William Scott, Police Chief

FROM: John Carroll, Assistant Clerk, Land Use and Transportation Committee

DATE: October 9, 2024

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Walton on October 9, 2024.

File No. 240932

Ordinance amending the Planning Code to create an exception for certain distilleries, wineries, and breweries to establish on-sale liquor establishments in the Bayview Neighborhood Commercial District, subject to a conditional use authorization; 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.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: john.carroll@sfgov.org.

cc:

Offices of Chair Melgar and Supervisor Walton
Anne Taupier, Office of Economic and Workforce Development
Alesandra Lozano, Office of Economic and Workforce Development
Ben VanHouten, Office of Economic and Workforce Development
Lisa Ortiz, Police Department
Lili Gamero, Police Department
Rima Malouf, Police Department
Diana Oliva-Aroche, Police Department
Carl Nicita, Police Department
Andrew Froines, Police Department
Joanne Wong, Police Department
Stephen Jonas, Police Department

1 [Planning Code - Third Street Alcohol Restricted Use District]

2

3 **Ordinance amending the Planning Code to create an exception for certain distilleries,**
4 **wineries, and breweries to establish on-sale liquor establishments in the Bayview**
5 **Neighborhood Commercial District, subject to a conditional use authorization;**
6 **affirming the Planning Department’s determination under the California Environmental**
7 **Quality Act; making findings of consistency with the General Plan, and the eight**
8 **priority policies of Planning Code, Section 101.1; and making findings of public**
9 **necessity, convenience, and welfare pursuant to Planning Code, Section 302.**

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

14

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

16

17 Section 1. Environmental and Land Use Findings.

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

23 (b) On _____, the Planning Commission, in Resolution No. _____,
24 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
25

1 with the City’s General Plan and eight priority policies of Planning Code Section 101.1. The
2 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
3 the Board of Supervisors in File No. _____, and is incorporated herein by reference.

4 (c) Pursuant to Planning Code Section 302, the Board finds that this Planning Code
5 amendment will serve the public necessity, convenience, and welfare for the reasons set forth
6 in Planning Commission Resolution No. _____, and the Board incorporates such
7 reasons herein by reference. A copy of said resolution is on file with the Clerk of the Board of
8 Supervisors in File No. _____.

9
10 Section 2. General Findings.

11 (a) Over the years, a number of craft breweries, wineries, and distilleries have
12 operated within the Bayview neighborhood. These businesses are part of a broader tradition
13 of local manufacturing. They are also an important part of the local food and beverage
14 ecosystem, producing products for sale on their premises, as well as in restaurants, bars,
15 retail markets, and other establishments.

16 (b) The Third Street Alcohol Restricted Use District currently prohibits the
17 establishment of new beer and wine bars.

18 (c) Bars serving beer and wine can add to the variety of nightlife offerings in a
19 neighborhood commercial district, filling vacant storefronts and providing additional vibrancy
20 to benefit a corridor.

21 (d) Enabling manufacturers within the neighborhood to launch new beer and wine bars
22 will create new opportunities for small businesses along Third Street, and could attract
23 additional alcohol manufacturers.

1 Section 3. Article 2 of the Planning Code is hereby amended by revising Section
2 249.62, to read as follows:

3 **SEC. 249.62. THIRD STREET ALCOHOL RESTRICTED USE DISTRICT.**

4 * * * *

5 (a) In order to preserve the residential character and the neighborhood-serving
6 commercial uses of the area, the Third Street Alcohol Restricted Use District (“Third Street
7 Alcohol RUD”) is hereby established for the property in the area generally bounded by Islais
8 Creek to the nNorth, Quint Street, Phelps Street, Tampa Street, Bridgeview Drive, Newhall
9 Street, Venus Street, and Egbert Avenue to the wWest, US Highway 101 to the sSouth, and
10 Mendell Street, La Salle Avenue, Keith Street, Palou Street, Jennings Street, and Ingalls
11 Street to the eEast, as designated on Sectional Map Numbers 8 and 10. ~~The Third Street
12 Alcohol RUD is designated on Section Map Numbers 8SU and 10SU.~~

13 (1) No new on-sale or off-sale Liquor Establishment shall be permitted in the
14 Third Street Alcohol RUD.

15 (2) The prohibition on Liquor Establishments in subsection (a)(1) shall not be
16 interpreted to prohibit the following:

17 (A) Temporary uses, as described in Planning Code Section s 205.1 or
18 205.3;

19 (B) Establishment of a Liquor Establishment if application for such
20 Liquor Establishment is on file with the California Department of Alcoholic Beverage Control
21 (“ABC”) prior to the effective date of ~~legislation~~ Ordinance No. 67-03 establishing the Third
22 Street Alcohol RUD (May 19, 2003);

23 (C) Sales of wine and brandy pursuant to an ~~Alcohol Beverage Control~~
24 ~~{ABC}~~ License Type 2; ~~or~~

1 (D) Sales and manufacturing of beer pursuant to an *Alcohol Beverage*
 2 *Control* (ABC) License Type 23; *or*

3 (E) Establishment of an on-sale Liquor Establishment with an ABC License
 4 Type 42 within the Bayview Neighborhood Commercial District, pursuant to a conditional use
 5 authorization as provided in Section 303.

6
 7 **SEC. 737. BAYVIEW NEIGHBORHOOD COMMERCIAL DISTRICT.**

8 * * * *

9 **Table 737. BAYVIEW NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

10 **CONTROL TABLE**

		Bayview NCD		
Zoning Category	§ References		Controls	
* * * *				
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
Commercial Use Characteristics				
Drive-up Facility	§ 102		NP(2)	
* * * *				
		Controls by Story		
		1st	2nd	3rd+
* * * *				
Sales and Service Use Category				
Retail Sales and Service Uses*	§ § 102, 202.2(a), 202.3	P	P	P

1	* * * *				
2	Bar	§§ 102,	<u>NP(2)(7)</u>	<u>NP(2)(7)</u>	NP
3		202.2(a),			
4		<u>249.62</u>			
5	* * * *				

6 * Not listed below

7 * * * *

8 (2) *THIRD STREET SPECIAL USE DISTRICT*

9 *Boundaries: Applicable only to the portion of the Third Street SUD as shown on Sectional Map 10 SU*
10 *zoned NC-3.*

11 *Controls: Off-sale retail liquor sales are NP; d*Drive-up *facilities for Restaurants and Limited-*
12 *Restaurants are C.*

13 * * * *

14 (7) THIRD STREET ALCOHOL RESTRICTED USE DISTRICT (Section 249.62). C for Bars
15 with ABC License Type 42.

16
17 Section 4. Effective Date. This ordinance shall become effective 30 days after
18 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
19 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
20 of Supervisors overrides the Mayor's veto of the ordinance.

21
22 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
23 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
24 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
25 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

LEGISLATIVE DIGEST
(Substituted, October 1, 2024)

[Planning Code - Third Street Alcohol Restricted Use District]

Ordinance amending the Planning Code to create an exception for certain distilleries, wineries, and breweries to establish on-sale liquor establishments in the Bayview Neighborhood Commercial District, subject to a conditional use authorization; 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

The Third Street Alcohol Restricted Use District generally prohibits the new Liquor Establishments. There are limited exceptions for temporary uses, Liquor Establishments that applied prior to the effective date of the general prohibition (May 19, 2003), sales of wine and brandy pursuant to a Department of Alcohol Beverage Control (“ABC”) License Type 2, or Type 23.

Amendments to Current Law

This ordinance would allow ABC License Type 42 establishments to open in the Third Street Alcohol Restricted Use District, subject to a conditional use authorization. It would also make clarifying amendments to the Zoning Tables of the Bayview Neighborhood Commercial District. Although the ordinance would amend the zoning table to make the control for Bars “NP”, Bars are currently already subject to the controls in the Third Street Alcohol Restricted Use District, which generally prohibits on-sale Liquor Establishments, like Bars.

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Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor inquires..."
- 5. City Attorney Request
- 6. Call File No. from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: