

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

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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; affirming the Planning Department's determination**
 6 **under the California Environmental Quality Act; making findings of consistency with**
 7 **the General Plan, and the eight priority policies of Planning Code, Section 101.1; and**
 8 **making findings of public necessity, convenience, and welfare pursuant to Planning**
 9 **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 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The

1 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
2 the Board of Supervisors in File No. _____, and is incorporated herein by reference.

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

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9 Section 2. General Findings.

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

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

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

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

23
24 Section 3. Article 2 of the Planning Code is hereby amended by revising Section
25 249.62, to read as follows:

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

2 * * * *

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

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

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

15 (A) Temporary uses, as described in Planning Code Section s 205.1 or
16 205.3;

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

21 (C) Sales of wine and brandy pursuant to an ~~Alcohol Beverage Control~~
22 ~~(ABC)~~ License Type 2; ~~or~~

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

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

SEC. 737. BAYVIEW NEIGHBORHOOD COMMERCIAL DISTRICT.

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Table 737. BAYVIEW NEIGHBORHOOD COMMERCIAL DISTRICT ZONING 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	Bar	§§ 102, 202.2(a), <u>249.62</u>	<u>NP(2)(7)</u>	<u>NP(2)(7)</u>	NP
4	* * * *				

5 * Not listed below

6 * * * *

7 (2) ~~THIRD STREET SPECIAL USE DISTRICT~~

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

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

12 * * * *

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

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

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