

File No. 141158

Committee Item No. 1

Board Item No. \_\_\_\_\_

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: Public Safety & Neighborhood Services Date March 19, 2015

Board of Supervisors Meeting

Date \_\_\_\_\_

### Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Legislative Analyst Report
- Youth Commission Report
- Introduction Form (for hearings)
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
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- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

**OTHER** (Use back side if additional space is needed)

- Liquor License PCN Request
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Completed by: Derek Evans Date 3/13/15

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

An asterisked item represents the cover sheet to a document that exceeds 25 pages.  
The complete document can be found in the file.



San Francisco Police Department  
**ABC Liaison Unit**



Alcoholic Beverage License -  
*Public Convenience and  
Necessity Recommendation*

**To:** The San Francisco Board of Supervisors' Committee on Public Safety  
and Neighborhood Services

**Supervisor Eric Mar**   
**Supervisor David Campos**  
**Supervisor Julie Christensen**

**From:** Lieutenant Dave Falzon  
Officer in Charge  
ABC Liaison Unit (ALU) 553-1049

**Date:** 02/25/2015

**Subject:** P.C.N. Investigation Regarding: Golden Veggie Market, Inc.  
DBA: Golden Veggie Market  
1475 Polk Street  
King Chan  
(415) 771-9099

Mr. King Chan on behalf of Golden Veggie Market, Inc. has filed an application with the California Department of Alcoholic Beverage Control seeking a -Type 20 (Off-Sale Beer and Wine ) License for 1475 Polk Street (at the corner of California Street).

Hours of Operation:

Daily 7 a.m.- 10 p.m.

**Digest:**

Mr. Chan has been operating Golden Veggie Market for over three years. Mr. Chan would like to enhance his business component, and would like to provide his clients the convenience of selling alcoholic beverages in conjunction with his groceries. Mr. Chan would like to provide his clients with fine local beers and local wines . If approved, this license will allow the premises at 1475 Polk Street to sell Off-Sale Beer and Wine.

**Letters of Protest:**

No Record

**Letters of Support:**

No Record

**Police Calls for Service:**

From October 2013 to October 2014

9- Homeless related, Burglar Alarm.

**Police Reports:**

From January 2013 to January 2014

1-burglary

**San Francisco Plot Information:**

This premise is located in Plot **535**

A High Crime area is defined as **99** or more police reports in a plot for the year of **2013**.

This plot had **217** police reports for **2013**, which is **118** over the **Citywide "High Crime"** average.

**State Census Tract Information:**

This premise is located in Census Tract **111**

Population for this tract is: **5164**

On-sale license authorized by census tract: **18**

Active on-sale licenses: **36** with **0** pending

Off-sale licenses authorized by census tract: **5**

Active off-sale licenses: **9** with **0** pending

**Departmental Recommendation:**

Points of consideration: 2/ Redding Elementary School and Old First Presbyterian Church

No opposition from **Northern Station**

Applicant premise **is** located in a “**high crime**” area.

Applicant premise **is** located in an “**undue concentration**” area.

**0** - Record of protest.

**0** - Record of support.

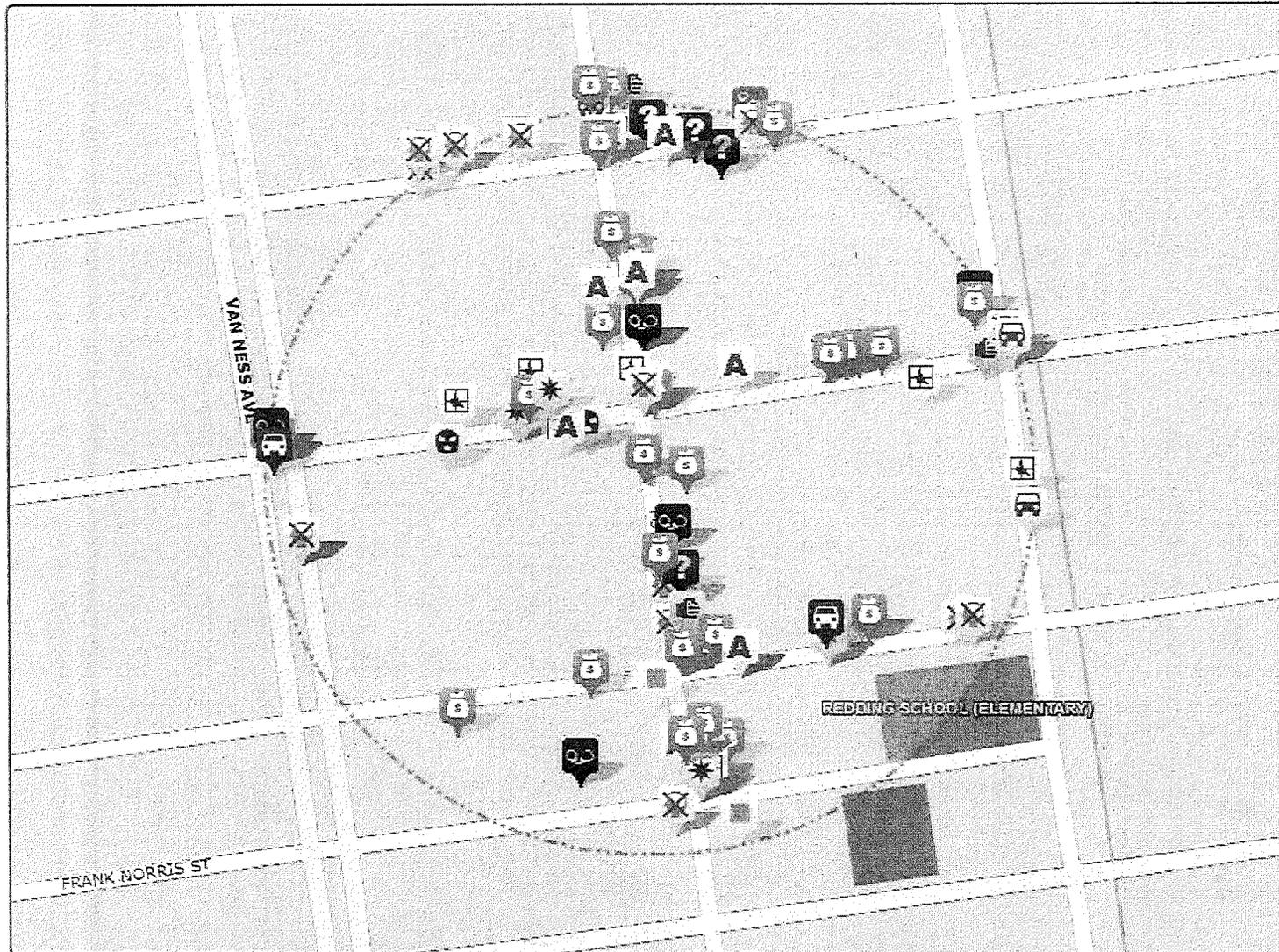
ALU Recommendation: **Approval with the following conditions**

**Conditions for Type 20 (Off Sale Beer and Wine)**

1. Sales of alcoholic beverages shall be permitted between the hours of 7:00 a.m. and 10:00 p.m. daily.
2. No more than 5% of the square footage of the public retail space (not including the storage area) of the premises will be used for the display of alcoholic beverages
3. No malt beverage shall be sold with an alcoholic content great than 5.7% by volume, except for microbrews, craft brews, organic and specialty malt products sold under such designations as stout, porter, IPA, and ESB. This condition is intended to eliminate high alcohol, low-cost products that are frequently abused, but not prevent the sales of specialty and craft beer products.
4. Beer, malt beverages and wine coolers in containers larger than 32 oz. are strictly prohibited.
5. No beer or malt beverages shall be sold in quantities of less than the manufacturer pre-packaged four (4) packs per sale. No wine-coolers or beer coolers shall be sold in less than the manufacturer pre-packaged multi-unit quantities of four (4).
6. No wine shall be sold with an alcoholic content of great than 15% by volume except for “Dinner Wines” which have been aged two years or more and maintained in corked bottles.
7. Wine shall not be sold in bottles or containers smaller than 750 ml, unless sold in manufacturer pre-packaged multi-unit quantities.

End

1475 Polk Street  
10/29/2013-10/29/2014



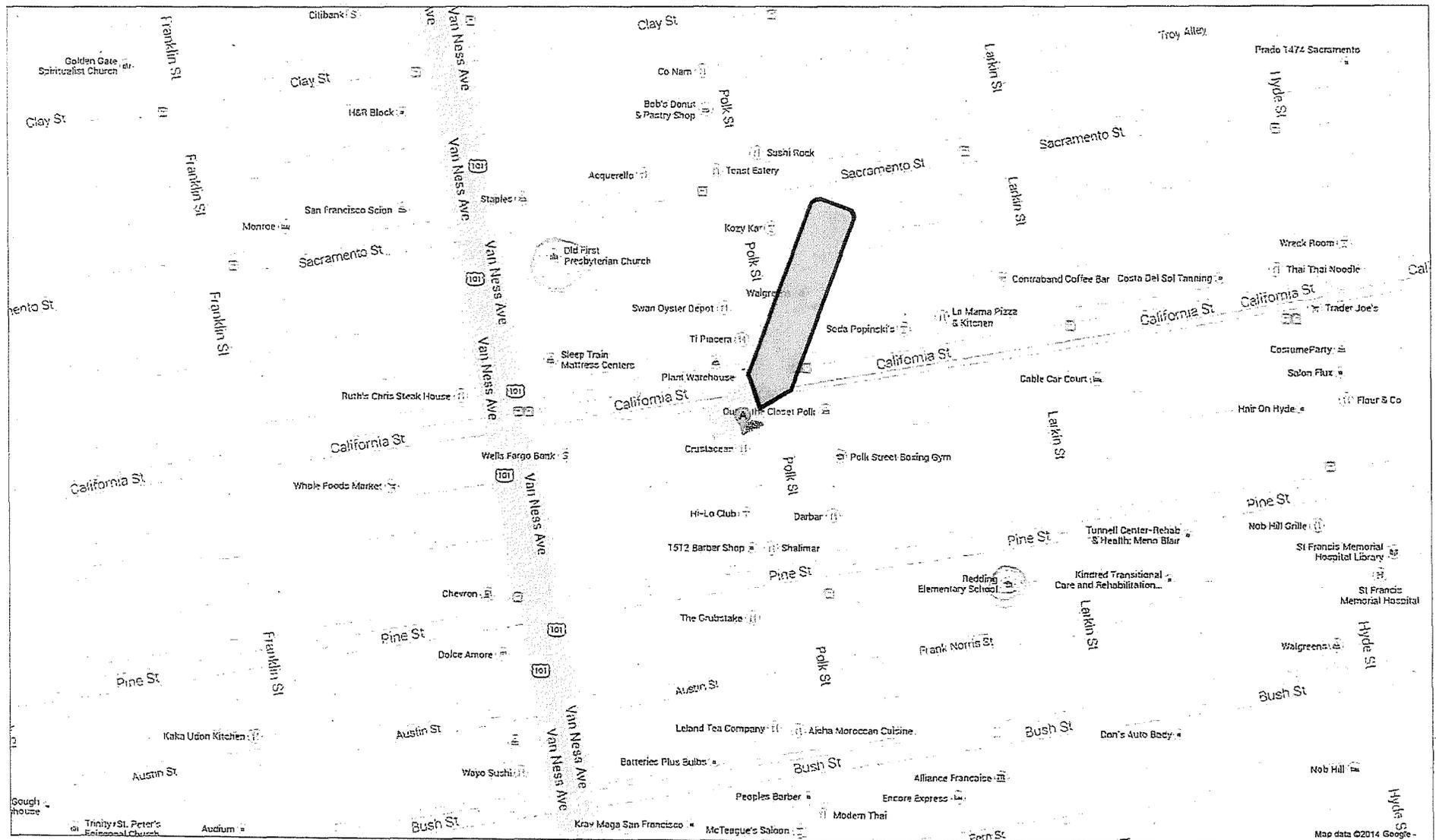
Map Legend	
	Incidents (443)
	Larceny/Theft (137)
	Non-Criminal (52)
	Warrants (47)
	Other Offenses (36)
	Assault (29)
	Vandalism (24)
	Warrants (23)
	Burglary (20)
	Suspicious Occurrence (12)
	Robbery (10)
	Drug/Narcotic (9)
	Forgery/Counterfeiting (9)
	Vehicle Theft (7)
	Fraud (4)
	Missing Person (4)
	Trespassing (4)
	Arson (3)
	Drunkenness (3)
	Embezzlement (3)
	Recovered Vehicle (2)
	Weapon Laws (2)
	Secondary Codes (1)
	Kidnapping (1)
	Disorderly Conduct (1)

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WARNING: This map does not meet the national map accuracy standards.

To see all the details that are visible on the screen, use the "Print" link next to the map.

Google



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Google



RECEIVED

JAN 8 - 2015

LIQUOR LICENSE REVIEW

CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
TAC TEAM

TO: Planning Department  
AnMarie Rodgers/CTYPLN/SFGOV  
Georgia Powell/CTYPLN/SFGOV@SFGOV  
Fax No.: 558-6409

File: 141158

*Block/lot: 0646/003*

TO: Police Department  
Lieutenant Dave Falzon  
Inspector Nelly Gordon  
Fax No.: 553-1463

*Zoning: NCD*

*Quod: NE*

*Record # 2015-000224 MIS*

DATE: November 7, 2014

This item is tentatively scheduled to be heard in four to six weeks.  
**PLEASE EMAIL YOUR RESPONSE BY:** December 12, 2014, to Derek Evans,  
Clerk, Neighborhood Services and Safety Committee.



Derek.Evans@sfgov.org - Fax No: 554-7714

**Applicant Name:** King Chan  
**and Business Name:** Golden Veggie Market  
(1427 Polk Street)

**Applicant Address:** 1427 Polk Street #1  
San Francisco, CA 94109-4600  
**and Phone No.** (415) 771-9099

**PLANNING COMMENTS:**  Approval  Denial

*ABC LICENSE TYPE 20 IS PERMITTED IN CONJUNCTION  
WITH EXISTING GROCERY USE.*

*Carly*  
CARLY GILBOB

*1/8/2015*

**POLICE COMMENTS:**  Approval

Denial

LLa

RECEIVED  
NOV 7 2014  
CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT

### LIQUOR LICENSE REVIEW

**TO:** Planning Department  
AnMarie Rodgers/CTYPLN/SFGOV  
Georgia Powell/CTYPLN/SFGOV@SFGOV  
Fax No.: 558-6409  
**File:** 141158

*Block/Lot: 0646/003  
Zoning: NCD  
Quad: NE*

**TO:** Police Department  
Lieutenant Dave Falzon  
Inspector Nelly Gordon  
Fax No.: 553-1463

*Record # 2014-001484 MIS*

**DATE:** November 7, 2014

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This item is tentatively scheduled to be heard in four to six weeks.  
**PLEASE EMAIL YOUR RESPONSE BY:** December 12, 2014, to Derek Evans,  
Clerk, Neighborhood Services and Safety Committee.  
**Derek.Evans@sfgov.org - Fax No: 554-7714**

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**Applicant Name:** King Chan  
**and Business Name:** Golden Veggie Market  
(1427 Polk Street)  
**Applicant Address:** 1427 Polk Street #1  
San Francisco, CA 94109-4600  
**and Phone No.** (415) 771-9099

**PLANNING COMMENTS:**  Approval  Denial  
*ABC TYPE 20 is permitted in conjunction with existing  
grocery use per Planning Code Section 790.102.*

*Carly D CARRY GROBS 11/20/14*

**POLICE COMMENTS:**  Approval  Denial

**Evans, Derek**

---

**From:** CommunityLeadershipAlliance [admin@communityleadershipalliance.net]  
**Sent:** Monday, November 17, 2014 7:08 PM  
**To:** CommunityLeadershipAlliance  
**Subject:** Re: PCN Outreach Requirement / 1475 Polk St. / dba: Golden Veggie Market / Type 20 Liquor License

**Re: PCN Community Outreach Requirement  
King Chan - 1475 Polk Street, San Francisco, CA. - dba: Golden Veggie Market / Type 20 Beer  
and Wine Liquor License**

Attn: San Francisco Board of Supervisors Neighborhood Services-Safety Committee Chair's Office,  
Committee Clerk,

Please have this e-mail serve as Notice of '**Community Outreach Completion**' by the subject titled applicant, and as required for the calendaring of a PCN Hearing.

The applicant has requested a meeting with the district supervisor, and has not yet received a response.

Sincerely  
David Villa-Lobos, Owner  
Clare Feng, Co-Owner  
**CLA CONSULTING**  
415-921-4192

BCC: San Francisco Police Department ABC Liaison Unit.  
BCC: Office of San Francisco District Three Supervisor the Honorable David Chiu.

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS PRIVILEGED AND/OR CONFIDENTIAL INFORMATION INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED.

## LIQUOR LICENSE REVIEW

**TO:** Planning Department  
AnMarie Rodgers/CTYPLN/SFGOV  
Georgia Powell/CTYPLN/SFGOV@SFGOV  
Fax No.: 558-6409

**File:** 141158

**TO:** Police Department  
Lieutenant Dave Falzon  
Inspector Nelly Gordon  
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**and Business Name:** Golden Veggie Market  
(1427 Polk Street)

**Applicant Address:** 1427 Polk Street #1  
San Francisco, CA 94109-4600  
**and Phone No.** (415) 771-9099

**PLANNING COMMENTS:**       Approval       Denial

**POLICE COMMENTS:**       Approval       Denial

141158

November 5, 2014  
Attn: Clerk of the Board  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA. 94102

Re: PCN Request for the acquisition of a Type 20 Off-Sale Beer and Wine Liquor License. / Mr. King Chan – dba: Golden Veggie Market – 1427 Polk Street.

Dear Honorable Board of Supervisors,

The Golden Veggie Market answered a community call for a full and well stocked produce and fresh butcher cut meat market with its grand opening on October of 2011. Our customers are working families, students, seniors and folks with disabilities living on very fixed incomes. However following the opening of a formula retail grocery store in 2012, and only a few blocks away, with a liquor license, our business dropped dramatically. Folks tell us that they appreciate our affordable prices, and high quality, but need a one stop shop where they can grab a six pack of beer, or perhaps a nice but affordable bottle of wine to complement their nightly dinner menu.

It's our hope that we may continue serving the folks of San Francisco's central city for decades to come. And are respectfully asking our Board of Supervisors to afford our store the opportunity to compete with the formula retail by granting us a Beer and Wine Liquor License. So that we too may offer a fine selection of craft beers and local wines at affordable prices.

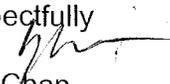
On behalf of all of us at the Golden Veggie Market we wish to thank our Honorable Board of Supervisors for their consideration of this entitlement request. And if we are granted approval by the City and County of San Francisco, we will consider it a privilege that comes with great responsibility, a responsibility that we will assume with great care and pride.

Our Business Address: 1475 Polk Street, San Francisco, CA.  
Our Hours of Operation: 8:am to 7:30pm

Contact Information:

-King Chan, Owner / 415-771-9099 / [goldenveggiearket@gmail.com](mailto:goldenveggiearket@gmail.com)  
-Jim Saxton, Liquor Licenses of San Francisco Bay Area / 925-689-6766 / [SFLiquorLicenses@gmail.com](mailto:SFLiquorLicenses@gmail.com)  
-David Villa-Lobos, CLA Consulting / 415-921-4192 / [admin@CommunityleadershipAlliance.net](mailto:admin@CommunityleadershipAlliance.net)

Respectfully

  
King Chan

**INFORMATION AND INSTRUCTIONS -**

**SECTION 23958.4 B&P**

Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.

- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
- Part 2 is to be completed by the applicant, and returned to ABC.
- Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

**PART 1 - TO BE COMPLETED BY ABC**

1. APPLICANT'S NAME

GOLDEN VEGGIE MARKET, INC.

2. PREMISES ADDRESS (Street number and name, city, zip code)

1475 Polk St # 1, San Francisco CA 94109-4600

3. LICENSE TYPE

20

4. TYPE OF BUSINESS

- |   |  |  |  |
|---|--|--|--|
| <input type="checkbox"/> Full Service Restaurant      | <input type="checkbox"/> Hofbrau/Cafeteria | <input type="checkbox"/> Cocktail Lounge     | <input type="checkbox"/> Private Club      |
| <input type="checkbox"/> Deli or Specialty Restaurant | <input type="checkbox"/> Comedy Club       | <input type="checkbox"/> Night Club          | <input type="checkbox"/> Veterans Club     |
| <input type="checkbox"/> Cafe/Coffee Shop             | <input type="checkbox"/> Brew Pub          | <input type="checkbox"/> Tavern: Beer        | <input type="checkbox"/> Fraternal Club    |
| <input type="checkbox"/> Bed & Breakfast:             | <input type="checkbox"/> Theater           | <input type="checkbox"/> Tavern: Beer & Wine | <input type="checkbox"/> Wine Tasting Room |
| <input type="checkbox"/> Wine only                    | <input type="checkbox"/> All               |  |  |

- |  |  |  |  |
|--|--|--|--|
| <input type="checkbox"/> Supermarket                                     | <input type="checkbox"/> Membership Store  | <input type="checkbox"/> Service Station               | <input type="checkbox"/> Swap Meet/Flea Market |
| <input type="checkbox"/> Liquor Store                                    | <input type="checkbox"/> Department Store  | <input type="checkbox"/> Convenience Market            | <input type="checkbox"/> Drive-in Dairy        |
| <input type="checkbox"/> Drug/Variety Store                              | <input type="checkbox"/> Florist/Gift Shop | <input type="checkbox"/> Convenience Market w/Gasoline |  |
| <input checked="" type="checkbox"/> Other - describe: <b>Mini-Market</b> |  |  |  |

5. COUNTY POPULATION

5,164/812,820

6. TOTAL NUMBER OF LICENSES IN COUNTY

980

On-Sale  Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY

1 1250

On-Sale  Off-Sale

8. CENSUS TRACT NUMBER

111

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

5

On-Sale  Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

9

On-Sale  Off-Sale

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)

- Yes, the number of existing licenses exceeds the number allowed
- No, the number of existing licenses is lower than the number allowed

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

- Yes (Go to Item #13)  No (Go to Item #20)

13. CRIME REPORTING DISTRICT NUMBER

541

14. TOTAL NUMBER OF REPORTING DISTRICTS

653

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

53,948

16. AVERAGE NO. OF OFFENSES PER DISTRICT

83

17. 120% OF AVERAGE NUMBER OF OFFENSES

99

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

662

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)

- Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17
- No, the total number of offenses in the reporting district is lower than the total number in item #17

20. CHECK THE BOX THAT APPLIES (check only one box)

- a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.
- b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.
- c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name: San Francisco Board of Supervisors

**FOR DEPARTMENT USE ONLY**

PREPARED BY (Name of Department Employee)

JM- 10.29.2014



Post 11/3  
MAILED 11/3



**California Department of Alcoholic  
Beverage Control**  
*License Query System Summary  
as of 11/1/2014*

<b>License Information</b>
<b>License Number:</b> 551385
<b>Primary Owner:</b> GOLDEN VEGGIE MARKET, INC.
<b>ABC Office of Application:</b> 24 - SAN FRANCISCO
<b>Business Name</b>
<i>... No Active DBA found ...</i>
<b>Business Address</b>
<b>Address:</b> 1475 POLK ST # 1 <b>Census Tract:</b> 0111.00
<b>City:</b> SAN FRANCISCO <b>County:</b> SAN FRANCISCO
<b>State:</b> CA <b>Zip Code:</b> 94109
<b>Licensee Information</b>
<b>Licensee:</b> GOLDEN VEGGIE MARKET, INC.
<i>Company Information</i>
Officer: CHAN, KING (DIRECTOR)
Officer: CHAN, KING (PRESIDENT/SECRETARY)
Officer: CHAN, KING (VICE PRESIDENT/TREASURER)
Stock Holder: CHAN, KING
<b>License Types</b>
<b>1) License Type:</b> 20 - OFF-SALE BEER AND WINE
<b>License Type Status:</b> PENDING
<b>Status Date:</b> 29-OCT-2014 <b>Term:</b> 12 Month(s)
<b>Original Issue Date:</b> <b>Expiration Date:</b>
<b>Master:</b> Y <b>Duplicate:</b> 0 <b>Fee Code:</b> P40
<b>License Type was Transferred On:</b> <b>FROM:</b> 41-275484
<b>Current Disciplinary Action</b>
<i>... No Active Disciplinary Action found ...</i>
<b>Disciplinary History</b>
<i>... No Disciplinary History found ...</i>
<b>Hold Information</b>
<b>Hold Date:</b> 29-OCT-2014 <b>Type:</b> FORM 220
<b>Escrow</b>

# 3296

1 [Planning Code - Polk Street Alcohol and Tobacco Paraphernalia Restrictions]

2  
3 Ordinance amending the Planning Code, Section 723, to extend the restriction on  
4 Tobacco Paraphernalia Establishments in the Polk Street Neighborhood Commercial  
5 District (NCD) for an additional three years and apply it to an area within one-quarter  
6 mile of the boundaries of the NCD; adding Section 788, to establish the Lower Polk  
7 Street Alcohol Restricted Use District for the properties located on Polk Street between  
8 California and Street to the north, O'Farrell Streets to the south, and Polk Street's side  
9 streets between California Street, Larkin Street, O'Farrell Street, and Van Ness Avenue;  
10 amending the Zoning Map, Sheet ZN-02, to designate the Lower Polk Street Alcohol  
11 Restricted Use District; and making environmental findings, Planning Code, Section  
12 302, findings, and findings of consistency with the General Plan and the priority  
13 policies of Planning Code, Section 101.1.

14 NOTE: Additions are *single-underline italics Times New Roman*;  
15 deletions are ~~*strike through italics Times New Roman*~~.  
16 Board amendment additions are double-underlined;  
17 Board amendment deletions are ~~striketrough-normal~~.

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

19 Section 1. Findings.

20 (a) The Planning Department has determined that the actions contemplated in this  
21 ordinance comply with the California Environmental Quality Act (California Public Resources  
22 Code Section 21000 *et seq.*). Said determination is on file with the Clerk of the Board of  
23 Supervisors in File No. 121065 and is incorporated herein by reference.

24 (b) Pursuant to Planning Code Section 302, this Board finds that these Planning Code  
25 amendments will serve the public necessity, convenience, and welfare for the reasons set

1 forth in Planning Commission Resolution No. 18823 and the Board incorporates such reasons  
 2 herein by reference. A copy of Planning Commission Resolution No. 18823 is on file with the  
 3 Clerk of the Board of Supervisors in File No. 121065.

4 (c) This Board finds that these Planning Code amendments are consistent with the  
 5 General Plan and with the Priority Policies of Planning Code Section 101.1 for the reasons set  
 6 forth in Planning Commission Resolution No. 18823, and the Board hereby incorporates such  
 7 reasons herein by reference.

8 Section 2. The San Francisco Planning Code is hereby amended by amending Section  
 9 723, to read as follows:

10 **SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

11 **ZONING CONTROL TABLE**

12 \*\*\*

13 **SPECIFIC PROVISIONS FOR THE POLK STREET**  
 14 **NEIGHBORHOOD COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
<p>17 <u>***</u></p> <p>18 § 723.69</p>	<p>18 § 186.1</p> <p>19 § 790.123</p> <p>20 <u>§ 788</u></p>	<p>18 Tobacco Paraphernalia Establishments –</p> <p>19 Tobacco Paraphernalia Establishments are not</p> <p>20 permitted in the Polk Street Neighborhood</p> <p>21 Commercial District <i>and within one-quarter mile of</i></p> <p>22 <i>the boundaries of that Neighborhood Commercial</i></p> <p>23 <i>District.</i> The special definition of "Tobacco</p> <p>24 Paraphernalia Establishments" applicable to the</p> <p>25 Polk Street Neighborhood Commercial District</p>

		<p>shall be repealed <del>three</del> <u>six</u> years after its initial effective date, unless the Board of Supervisors, on or before that date, extends or re-enacts it. In the Polk Street Neighborhood Commercial District, the period of non-use for a non-conforming Tobacco Paraphernalia Establishment to be deemed discontinued shall be 18 months.</p>
--	--	--

Section 3. The San Francisco Planning Code is hereby amended by adding new Section 788, to read as follows:

**SEC. 788. LOWER POLK STREET ALCOHOL RESTRICTED USE DISTRICT.**

*(a) Findings. There is ~~an unusually~~ large number of establishments dispensing alcoholic beverages, including beer and wine, for off-site consumption on Polk Street between California Street and to the north, O'Farrell Street to the south, 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 to the north and O'Farrell Street to the north and south. The existence of this many alcoholic beverage establishments appears to contribute directly to numerous peace, health, safety and general welfare problems in the area, including loitering, littering, public drunkenness, defacement and damaging of structures, and pedestrian obstructions, as well as traffic circulation, parking and noise problems on public streets and neighborhood lots. The existence of such problems creates serious impacts on the health, safety and welfare of residents of nearby single- and multiple-family areas, including fear for the safety of children, elderly residents, and visitors to the area. While nightlife is a significant cultural and economic positive that generates tax revenue and jobs, San Francisco needs to ensure that nightlife is safe and responsible while encouraging a vibrant nightlife.*

1 The problems also contribute to the deterioration of the neighborhood and concomitant  
2 devaluation of property and destruction of community values and quality of life. The number of  
3 establishments selling alcoholic beverages and the associated problems discourage more  
4 desirable and needed commercial uses in the area.

5 (b) Establishment of the Lower Polk Street Alcohol Restricted Use District. In order to  
6 preserve the residential character and the neighborhood-serving commercial uses of the area, the  
7 Lower Polk Street Alcohol Restricted Use District is hereby established for the properties located on  
8 Polk Street between California Street and to the north, O'Farrell Street to the south, and Polk  
9 Street's side streets between, but not including, Van Ness Avenue and Larkin Street to the west and  
10 east, and between, but not including, California Street to the north and O'Farrell Street to the north  
11 and south. The Lower Polk Street Alcohol Restricted Use District shall be designated on Map Sheet  
12 Number ZN-02 on the Zoning Map of the City and County of San Francisco.

13 (c) Definitions.

14 (1) A "liquor establishment" shall mean any enterprise selling alcoholic beverages, as  
15 defined by California Business & Professions Code Section 23004 and 23025, pursuant to a California  
16 Alcoholic Beverage Control Board license. It shall not be interpreted to mean an establishment that (A)  
17 operates as a Bona Fide Eating Place, as defined in Section 790.142 of this Code, or (B) operates as an  
18 "other retail sales and service" use that sells only general groceries or specialty groceries, as defined  
19 in Planning Code Section 790.102 (a) or (b), respectively; or (C) operates during daytime hours but  
20 operates no later than 12:00 midnight, and is not a location for Entertainment.

21 (2) An "off sale liquor establishment" shall mean a Liquor Store as defined in Planning  
22 Code Section 790.55.

23 (3) An "on sale liquor establishment" shall mean a Bar as defined in Planning Code  
24 Section 790.22.

25 (d) Controls.

1                   (1) No new on-sale or off-sale liquor establishment shall be permitted in the Lower Polk  
2 Street Alcohol Restricted Use District; provided that a liquor establishment located in the Lower Polk  
3 Street Alcohol Restricted Use District may transfer its alcohol license to another site, either within or  
4 outside the Lower Polk Street Alcohol Restricted Use District; provided further that a liquor  
5 establishment located outside the Lower Polk Street Alcohol Restricted Use District shall not transfer  
6 any alcohol license to a liquor establishment located within the Lower Polk Street Alcohol Restricted  
7 Use District; and provided further that any transfer of an alcohol license to a new location  
8 within the Lower Polk Street Alcohol Restricted Use District shall require a conditional use  
9 permit for the new liquor establishment.

10                   (2) Whenever a liquor establishment has discontinued its use for a continuous period of  
11 one hundred eighty (180) days one year or more, the liquor establishment shall be deemed to have  
12 abandoned its use as a liquor establishment; provided that a break in continuous operation shall not be  
13 interpreted to include the following, as long as the location of the establishment does not change, the  
14 square footage used for the sale of alcoholic beverages does not increase, and the type of California  
15 Department of Alcoholic Beverage Control Liquor License ("ABC License") does not change:

16                   (A) Re-establishment, restoration or repair of an existing liquor establishment  
17 on the same lot after total or partial destruction or damage due to fire, riot, insurrection, toxic accident  
18 or other force majeure; or

19                   (B) Temporary closure of an existing liquor establishment for not more than  
20 one hundred eighty (180) days for repair, renovation or remodeling, provided that permit  
21 applications for the repair, renovation or remodeling work shall be submitted to the City upon  
22 or prior to the temporary closure and such permits and work shall be pursued diligently to  
23 completion; or

24                   (C) A change in ownership of a Liquor Establishment or an owner-to-owner  
25 transfer of an ABC License.

1           ~~(3) All new entertainment permits at a new location shall require approval of a~~  
2 ~~conditional use permit in accordance with the requirements of Planning Code Section 303;~~  
3 ~~provided that Limited-Live Performance Locales, as defined in Section 1060 of the Police~~  
4 ~~Code, shall be principally permitted in Restaurants and Limited-Restaurants; and provided~~  
5 ~~further that a change in ownership on the same site with the same entertainment use shall not~~  
6 ~~require approval of a new conditional use permit.~~

7           (43) New Restaurants with Types 47 and 49 liquor licenses shall not be open may  
8 operate past 12:00 midnight provided that the Restaurant serves food in the following manner,  
9 until the time it closes:

10                   (A) It continues to serve meals to guests for compensation and has  
11 available kitchen facilities connected therewith, for cooking of an assortment of foods which  
12 may be required for ordinary meals; and

13                   (B) "Meals" that are offered after midnight shall mean an assortment of  
14 foods commonly ordered at various hours of the day for breakfast, lunch or dinner. Incidental  
15 food service, comprised only of appetizers to accompany drinks, is not considered a meal.  
16 Incidental, sporadic or infrequent sales of meals or a mere offering of meals without actual  
17 sales is not compliance; and

18                   (C) "Guests" shall mean persons who come to the Restaurant after  
19 midnight for the purpose of obtaining, and actually order and obtain at such time, a meal  
20 therein. Nothing in this section, however, shall be construed to require that any food be sold or  
21 purchased with any beverage.

22           (e) Sunset Provision. This Section 788 shall be repealed five (5) years after its initial  
23 Effective Date unless the Board of Supervisors, on or before that date, extends or re-enacts it.

24           Section 4. The Zoning Map of the City and County of San Francisco shall be amended  
25 by amending Sectional Map ZN-02 to establish the boundaries of the Lower Polk Alcohol

1 Restricted Use District and shall include the properties located between, but not including,  
2 Van Ness Avenue, Larkin Street, O'Farrell Street, and California Street, which includes the  
3 following Assessor's Block and Lot Numbers, but shall ~~not~~ is not intended to include the any  
4 lots within these Assessor's Block Numbers that front on Van Ness Avenue, Larkin Street,  
5 O'Farrell Street and/or California Street. The following Block and Lots shall be the complete  
6 list of Blocks and Lots included in the Lower Polk Street Alcohol Restricted Use District:

7 Assessor's Block Numbers 0645, Lots 007, 007A, 008, 009, 011, 012, 013, 024 –  
8 035; Block 0646, Lots 002 – 005; Assessor's Block 0667, Lots 001 – 005, 007, 013, 014,  
9 016 – 018, 018A, 019 – 045; Assessor's Block 0668, Lots 003, 004, 004A, 004B, 006, 007,  
10 009 – 046; Assessor's Block 0669, Lots 006 – 009, 011, 012, 012A, 013, 014, 018 – 032;  
11 Assessor's Block 0670, Lots 002, 002A, 003 – 012, 018 – 020, 022 – 024, 026; Assessor's  
12 Block 0691, Lots 001 – 003, 011, 012, 012A; Assessor's Block 0692, Lots 005, 007 – 011,  
13 011A, 012, 013, 019 – 028; Assessor's Block 0693, Lots 007 – 026; Assessor's Block  
14 0694, Lots 001 – 009, 009A, 012 – 017, 019; Assessor's Block 0715, Lots 001, 010A, 011;  
15 and Assessor's Block 0716, Lots 001A, 008 – 011, 280.

16 Section 5. Effective Date. This ordinance shall become effective 30 days from the  
17 date of passage.

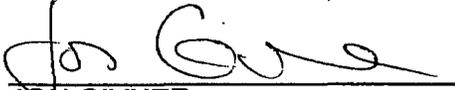
18 Section 6. Applicability Date. This ordinance shall not apply to any liquor  
19 establishment that has filed a complete application for an ABC License with the California  
20 Alcoholic Beverage Control Board prior to the Effective Date of this Ordinance.

21 Section ~~6~~7. This section is uncodified. In enacting this ordinance, the Board intends to  
22 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,  
23 punctuation, charts, diagrams, or any other constituent part of the Planning Code that are  
24 explicitly shown in this legislation as additions, deletions, Board amendment additions, and  
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Board amendment deletions in accordance with the "Note" that appears under the official title of the legislation.

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

By:   
JON GIVNER  
Deputy City Attorney

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City and County of San Francisco

**Tails  
Ordinance**

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 121065

**Date Passed:** April 23, 2013

Ordinance amending the Planning Code, 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 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.

April 01, 2013 Land Use and Economic Development Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

April 01, 2013 Land Use and Economic Development Committee - CONTINUED AS AMENDED

April 08, 2013 Land Use and Economic Development Committee - AMENDED

April 08, 2013 Land Use and Economic Development Committee - RECOMMENDED AS AMENDED

April 16, 2013 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

April 23, 2013 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee