

## LEGISLATIVE DIGEST

[Planning Planning Code - Prohibit the Use of Customer Operated Checkout-Systems - Off-Site Alcohol Sales]

**Ordinance amending the San Francisco Planning Code Sections 703.2 and 790.55 to: 1) prohibit the use of Customer Operated Check-Out Systems, as defined, in retail stores where alcoholic beverages are sold for off-site consumption; and 2) making findings, including environmental findings and findings of consistency with the General Plan and with the Priority Policies of Planning Code Section 101.1.**

### Existing Law

The City currently regulates alcohol sales through its zoning authority. Article 7 of the Planning Code contains provisions that establish alcohol restricted use districts where an unusually large number of alcohol establishments has created serious impacts on the health, safety and welfare of residents and visitors of the area and neighboring areas. Alcohol restricted use districts have been established, for example, in part of the Mission (Planning Code Section 781.8), in the Haight-Ashbury neighborhood (Section 781.9), on Third Street (Section 782), on Divisadero Street (Section 783) and in the Lower Haight (Section 784). These alcohol restricted use districts generally prohibit new alcohol establishments, but allow existing establishments to remain, under certain conditions. In addition, the "Deemed Approved Off-Street Alcohol Use Nuisance Regulations," contained in Chapter 26 of the Administrative Code, contain a series of performance standards for liquor stores. These performance standards are based on existing nuisance regulation, and related federal and state laws.

### Amendments to Current Law

This Ordinance amends the definitions of "accessory use" and "liquor store" in the Planning Code to prohibit the sale of alcoholic beverages through Consumer-Operated Check-Out Systems. The Ordinance defines a "Consumer-Operated Checkout System" as a point-of-sale system where the sale occurs without the assistance or the oversight of a store agent or employee.

The Ordinance exempts Consumer-Operated Checkout Systems that were in operation at the effective date of this Ordinance.

### Background Information

Numerous studies have shown that poorly regulated off-sale alcohol uses, and particularly the sale of alcoholic beverages through Customer-Operated Checkout Systems, increase the availability of alcohol in the communities in which these uses are located. Excessive availability of alcoholic beverages leads to negative consequences in these communities,

including nuisance and criminal activities such as public drunkenness, loitering, and fear for the safety of children, elderly and disabled residents, and visitors to the City, and contribute to the deterioration of the surrounding neighborhoods. These problems adversely impact the health, safety, and welfare of residents of nearby areas. This Ordinance seeks to address these problems by prohibiting the sale of alcoholic beverages through Customer-Operated Checkout Systems.