

1 [Planning Code - Temporary Closure of Liquor Stores in Polk Street Neighborhood
2 Commercial District]

3 **Ordinance amending the Planning Code to provide that temporary closure of liquor**
4 **stores in the Polk Street Neighborhood Commercial District (NCD) as a result of a**
5 **major capital improvement project is not an abandonment of such use, and that**
6 **relocation of such use to another location in the Polk Street NCD does not require a**
7 **new Conditional Use permit; affirming the Planning Department’s determination under**
8 **the California Environmental Quality Act; and making findings of consistency with the**
9 **General Plan, and the eight priority policies of Planning Code, Section 101.1, and**
10 **findings of public convenience, necessity, and welfare under Planning Code, Section**
11 **302.**

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

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

20 Section 1. Environmental and Land Use Findings.

21 (a) The Planning Department has determined that the actions contemplated in this
22 ordinance comply with the California Environmental Quality Act (California Public Resources
23 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
24 Supervisors in File No. 210287 and is incorporated herein by reference. The Board affirms
25 this determination.

(b) On May 13, 2021, the Planning Commission, in Resolution No. 20916, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City’s General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 210287, and is incorporated herein by reference.

(c) On May 13, 2021, the Planning Commission, in Resolution No. 20916, approved this ordinance, recommended it for adoption by the Board of Supervisors, and adopted findings that it will serve the public necessity, convenience, and welfare. Pursuant to Planning Code Section 302, the Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 210287, and is incorporated herein by reference.

Section 2. The Planning Code is hereby amended by revising Section 723, to read as follows:

SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**Table 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

* * * *

Zoning Category	§ References	Controls
* * * *		
NON-RESIDENTIAL STANDARDS AND USES (7)		
* * * *		

Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP
* * * *				
Liquor Store	§102	C(9)	NP	NP
* * * *				

* Not listed below

* * * *

(9) Temporary closures of up to three years, measured from the effective date of the ordinance in Board of Supervisors File No. 210287 enacting this note, of existing liquor stores located in the Polk Street Neighborhood Commercial District, during construction of a development project on the site of the existing liquor store, shall not be considered an abandonment of such use pursuant to Section 178 of this Code, unless the original liquor store elects to relocate somewhere else permanently. Temporary relocation of liquor stores in the Polk Street Neighborhood Commercial District to another location in the Polk Street Neighborhood Commercial District during construction of a development project on the site of said liquor stores shall not require a new Conditional Use Permit for the duration of up to three years, measured from the effective date of the ordinance in Board of Supervisors File No. 210287 enacting this note, of interim relocation.

Section 3. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the “Note” that appears under the official title of the ordinance.

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

By: Peter R. Miljanich /s/
PETER R. MILJANICH
Deputy City Attorney

n:\legana\as2021\2100344\01519897.docx