

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

---

---

Date: May 20, 2026  
To: Planning Department/Planning Commission  
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee  
Subject: Board of Supervisors Legislation Referral - File No. 260180 – VERSION 2  
Planning Code - Planning Code - Relocation and Re-establishment of Liquor Establishments

---

- California Environmental Quality Act (CEQA) Determination  
(*California Public Resources Code, Sections 21000 et seq.*)
  - Ordinance / Resolution
  - Ballot Measure
  
- Amendment to the Planning Code, including the following Findings:  
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
  - General Plan     Planning Code, Section 101.1     Planning Code, Section 302
  
- Amendment to the Administrative Code, involving Land Use/Planning  
(*Board Rule 3.23: 30 days for possible Planning Department review*)
  
- General Plan Referral for Non-Planning Code Amendments  
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)  
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
  
- Historic Preservation Commission
  - Landmark (*Planning Code, Section 1004.3*)
  - Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
  - Mills Act Contract (*Government Code, Section 50280*)
  - Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to John Carroll at [john.carroll@sfgov.org](mailto:john.carroll@sfgov.org).

1 [Planning Code - Relocation and Re-establishment of Liquor Establishments]

2  
3 **Ordinance amending the Planning Code to principally permit the relocation of Bar Uses**  
4 **with Alcohol Beverage Control licenses as of May 19, 2003, within the Third Street**  
5 **Alcohol Restricted Use District (RUD) and the Bayview Neighborhood Commercial**  
6 **District (NCD); allow establishments with Alcohol Beverage Control licenses as of**  
7 **May 19, 2003, to re-establish the use under the existing license within the RUD and**  
8 **NCD; affirming the Planning Department’s determination under the California**  
9 **Environmental Quality Act; making findings of consistency with the General Plan, and**  
10 **the eight priority policies of Planning Code, Section 101.1; and making findings of**  
11 **public necessity, convenience, and welfare pursuant to Planning Code, Section 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. \_\_\_\_ and is incorporated herein by reference. The Board of  
25 Supervisors affirms this determination.

1 (b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_,  
2 adopted findings that the actions contemplated in this ordinance are consistent, on balance,  
3 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The  
4 Board of Supervisors adopts these findings as its own. A copy of said Resolution is on file with  
5 the Clerk of the Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by  
6 reference.

7 (c) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this  
8 ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in  
9 Planning Commission Resolution No. \_\_\_\_\_, and incorporates such reasons by this  
10 reference thereto.

11 Section 2. Articles 2 and 7 of the Planning Code are hereby amended by revising  
12 Sections 249.62 and 737, to read as follows:

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

14 \* \* \* \*

15 (a) In order to preserve the residential character and the neighborhood-serving  
16 commercial uses of the area, the Third Street Alcohol Restricted Use District ("Third Street  
17 Alcohol RUD") is hereby established for the property in the area generally bounded by Islais  
18 Creek to the north, Quint Street, Phelps Street, Tampa Street, Bridgeview Drive, Newhall  
19 Street, Venus Street, and Egbert Avenue to the west, US Highway 101 to the south, and  
20 Mendell Street, La Salle Avenue, Keith Street, Palou Street, Jennings Street, and Ingalls  
21 Street to the east, as designated on Sectional Map Numbers 8 and 10. *The following controls*  
22 *shall apply within the Third Street Alcohol RUD.*

23 (1) No new Oen-sale or Oeff-sale Liquor Establishment shall be permitted in the  
24 Third Street Alcohol RUD.

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

3 (A) Temporary uses, as described in Planning Code Sections 205.1  
4 or 205.3;

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

9 (C) Sales of wine and brandy pursuant to an ABC License Type 2;

10 (D) Sales and manufacturing of beer pursuant to an ABC License  
11 Type 23.; or

12 (E) Establishment of an Oen-sale Liquor Establishment with an ABC  
13 License Type 42 within the Bayview Neighborhood Commercial District, pursuant to a  
14 Conditional Use authorization as provided in Section 303.

15 (3) **Continuation of Pre-eExisting ~~Prohibited~~ Liquor Establishments.** In the  
16 Third Street Alcohol RUD, any ~~Prohibited~~ Pre-existing Liquor Establishment may continue in  
17 accordance with Planning Code Section 180 through 186.2, subject to the following  
18 provisions.

19 (A) A ~~Prohibited~~ Pre-existing Liquor Establishment lawfully existing and  
20 selling alcoholic beverages as licensed by the State of California prior to the effective date of  
21 ~~this legislation~~ Ordinance No. 67-03 establishing the Third Street Alcohol RUD (May 19, 2003), or  
22 subsequent legislation prohibiting that type of Liquor Establishment, so long as otherwise  
23 lawful, may continue to operate only under the following conditions, as provided by California  
24 Business and Professions Code Section 23790:

1 (i) Except as provided by Subsection (B) below, the premises  
2 shall retain the same type of retail liquor license within a license classification; and

3 (ii) Except as provided by Subsection (B) below, the licensed  
4 premises shall be operated continuously, without substantial change in mode or character of  
5 operation.

6 (B) A break in continuous operation shall not be interpreted to include  
7 the following, provided that the location of the establishment does not change, the square  
8 footage used for the sale of alcoholic beverages does not increase, and the type of *California*  
9 *Department of Alcoholic Beverage Control Liquor ABC License* ("*ABC*" License) does not change,  
10 except as indicated:

11 (i) A change in ownership of a *Prohibited Pre-existing Liquor*  
12 *Establishment* or an owner-to-owner transfer of an ABC License;

13 (ii) Re-establishment, restoration, or repair of an *Pre-existing*  
14 *Prohibited Liquor Establishment* on the same lot after total or partial destruction or damage  
15 due to fire, riot, insurrection, toxic accident, or act of God;

16 (iii) Temporary closure of an *Pre-existing Prohibited Liquor*  
17 *Establishment* for not more than ~~ninety~~ (90) days for repair, renovation, or remodeling;

18 (iv) Re-establishment of a Pre-existing Liquor Establishment under its  
19 existing ABC License issued prior to May 19, 2003, after a full or partial closure of not more than 10  
20 years;

21 (iv) Re-location of an Relocation of a Pre-existing Prohibited Liquor  
22 Establishment in the Third Street Alcohol RUD to another location within the same Third Street  
23 Alcohol RUD; provided that a relocating Pre-existing Liquor Establishment other than a Bar Use  
24 shall obtain a with Conditional Use authorization from the City Planning Commission, and a  
25 relocating Pre-existing Liquor Establishment that is a Bar Use shall be principally permitted; and

1 provided *further* that the original premises shall not be occupied by a *Pre-existing-Prohibited*  
2 Liquor Establishment, unless by another *Pre-existing Prohibited* Liquor Establishment that is  
3 also relocating from within the Third Street Alcohol RUD; or

4 (vii) A change from a Type 21 (off-sale) to a Type 20 (off-sale  
5 beer and wine) license or a change from any *Alcohol Beverage Control Board ABC* License type  
6 to a Type 41 (on-sale beer and wine - eating place).

7 (b) The following shall apply to all *Liquor Establishments* in the Third Street Alcohol  
8 RUD in order to maintain the safety of the premises and vicinity:

9 (1) Liquor *Establishments* shall provide outside lighting in a manner sufficient  
10 to illuminate street and sidewalk areas and adjacent parking, as appropriate to maintain  
11 security, without disturbing area residences; and

12 (2) No more than 33% percent of the square footage of the windows and clear  
13 doors of Liquor *Establishments* shall bear advertising or signage of any sort, and all  
14 advertising and signage shall be placed and maintained in a manner that ensures that law  
15 enforcement personnel have a clear and unobstructed view of the interior of the premises,  
16 including the area in which the cash registers are maintained, from the exterior public  
17 sidewalk or entrance to the premises. This requirement shall not apply to premises where  
18 there are no windows, or where existing windows are located at a height that precludes a view  
19 of the interior of the premises to a person standing outside the premises.

20 (c) Definitions.

21 "Liquor *Establishment*" shall mean any enterprise selling alcoholic beverages, as  
22 defined by California Business and Professions Code Section 23004 and 23025, pursuant to a  
23 California Alcoholic Beverage Control Board license.

24 "Off-sale *Liquor Establishment*" shall mean any Liquor Store use as defined in  
25 Section 102 of this Code.



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

6 \* \* \* \*

7 (7) THIRD STREET ALCOHOL RESTRICTED USE DISTRICT (Section 249.62). C for  
8 Bars with ABC License Type 42. Re-establishments under Section 249.62(a)(3)(B)(iv): P.  
9 Relocations under Section 249.62(a)(3)(B)(v): C; except P for Bars regardless of ABC License Type.

10 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
11 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
12 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
13 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
14 additions, and Board amendment deletions in accordance with the “Note” that appears under  
15 the official title of the ordinance.

16 Section 4. Effective Date. This ordinance shall become effective at on the 31st day  
17 after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns  
18 the ordinance unsigned or does not sign the ordinance within 10 days of receiving it, or the  
19 Board of Supervisors overrides the Mayor’s veto of the ordinance.

21 APPROVED AS TO FORM:  
22 DAVID CHIU, City Attorney

23 By: /s/ HEATHER GOODMAN  
24 HEATHER GOODMAN  
25 Deputy City Attorney

4929-2268-0231, v. 3

**LEGISLATIVE DIGEST**  
*(Substituted – May 12, 2026)*

[Planning Code - Relocation and Re-establishment of Liquor Establishments]

**Ordinance amending the Planning Code to principally permit the relocation of Bar Uses with Alcohol Beverage Control licenses as of May 19, 2003 within the Third Street Alcohol Restricted Use District (RUD) and the Bayview Neighborhood Commercial District (NCD); allow establishments with Alcohol Beverage Control licenses as of May 19, 2003 to re-establish the use under the existing license within the RUD and NCD; 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

Under the Planning Code, bars, liquor stores, and other premises selling alcohol are subject to zoning controls based on the districts where they are located. In 2003, the Third Street Alcohol Restricted Use District (the “RUD”) was established, prohibiting new bars, liquor stores, and certain other uses that sell alcohol, subject to limited exceptions. Under the RUD, bars, liquor stores, and similar uses that existed prior to the RUD may continue to operate as nonconforming uses, provided they are operated continuously and without substantial change. An existing liquor establishment with a California Department of Alcoholic Beverage Control (“ABC”) license issued prior to May 19, 2003 may relocate within the RUD if it obtains conditional use authorization from the Planning Commission. In the Bayview Neighborhood Commercial District (the “NCD”), bars and liquor stores are generally not permitted.

Amendments to Current Law

The ordinance expands which liquor establishments may relocate or re-establish in the RUD without the change being deemed a break in continuous operation. Specifically, liquor establishments in the RUD with an ABC license that existed prior to the RUD’s creation in 2003 may close then re-open at the same or a different site, provided they maintain the same ABC license they held in 2003 and re-open within 10 years. Version 2 of the ordinance introduced on May 13, 2026 added the exception for re-establishment.

The ordinance also principally permits bars in the RUD to relocate within the RUD. Other types of establishments, such as liquor stores, may relocate with conditional use authorization. The ordinance makes a conforming change to the NCD, indicating that relocation of a bar or re-establishment under the RUD is principally permitted, and relocation of uses other than bars is conditionally permitted. The ordinance also makes non-substantive clarifying edits to the RUD and NCD.

## 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: