

BOARD of SUPERVISORS



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March 24, 2021

Planning Commission  
Attn: Jonas Ionin  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Commissioners:

On March 16, 2021, Supervisor Peskin introduced the following legislation:

**File No. 210287**

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

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk  
Land Use and Transportation Committee

- c: Rich Hillis, Director  
Corey Teague, Zoning Administrator  
Scott Sanchez, Deputy Zoning Administrator  
Lisa Gibson, Environmental Review Officer  
Devyani Jain, Deputy Environmental Review Officer  
Adam Varat, Acting Director of Citywide Planning  
Aaron Starr, Manager of Legislative Affairs  
Andrea Ruiz-Esquide, Deputy City Attorney  
Joy Navarrete, Major Environmental Analysis

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. \_\_\_\_ and is incorporated herein by reference. The Board affirms this  
25 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 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of  
5 the Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.

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

12  
13 Section 2. The Planning Code is hereby amended by revising Section 723, to read as  
14 follows:

15  
16 **SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

17 \* \* \* \*

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

20 \* \* \* \*

Zoning Category	§ References	Controls
* * * *		
<b>NON-RESIDENTIAL STANDARDS AND USES (7)</b>		
* * * *		

<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 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. \_\_\_\_\_ 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. \_\_\_\_\_ 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.

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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

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**LEGISLATIVE DIGEST**

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

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

Existing Law

Currently, liquor stores are allowed in the Polk Street Neighborhood Commercial District with a Conditional Use Permit. Additionally, conditional uses that are abandoned for 18 months or more require a new Conditional Use Permit to reopen in this district.

Amendments to Current Law

This ordinance would amend the Polk Street Neighborhood Commercial District Use Zoning Control Table to add a note to “Liquor Stores.” The note sets forth an exception to the Conditional Use requirement for liquor stores and abandonment period in the area. It states that: “Temporary closures of up to three years, measured from the effective date of the ordinance in Board of Supervisors File No. \_\_\_\_\_ 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. \_\_\_\_\_ enacting this note, of interim relocation.”

# Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor  inquiries"
- 5. City Attorney Request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

