

1 [Planning Code - Fire-Damaged Liquor Stores in North Beach Neighborhood Commercial
2 District]

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

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

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

19 Section 1. Environmental and Land Use 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 Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
23 Supervisors in File No. 180861 and is incorporated herein by reference. The Board affirms
24 this determination.

25 (b) On October 4, 2018, the Planning Commission, in Resolution No. 20300,
adopted findings that the actions contemplated in this ordinance are consistent, on balance,

1 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
 2 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
 3 the Board of Supervisors in File No. 180861, and is incorporated herein by reference.

4 (c) On October 4, 2018, the Planning Commission, in Resolution No. 20300,
 5 approved this ordinance, recommended it for adoption by the Board of Supervisors, and
 6 adopted findings that it will serve the public necessity, convenience, and welfare. Pursuant to
 7 Planning Code Section 302, the Board adopts these findings as its own. A copy of said
 8 Resolution is on file with the Clerk of the Board of Supervisors in File No. 180861, and is
 9 incorporated herein by reference.

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 11 Section 2. The Planning Code is hereby amended by revising Section 722, to read as
 12 follows:

13 **SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.**

14 * * * *

15 **Table 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT**
 16 **ZONING CONTROL TABLE**

17 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P(10)	P(10)	NP

1	* * * *			
2	Liquor Store	§102	C(12)	NP NP
3	* * * *			

4

5 * Not listed below

6 * * * *

7 (12) Temporary closures of up to three years of existing liquor stores located in the North
 8 Beach Neighborhood Commercial District, for reconstruction or repair after a fire, shall not be
 9 considered an abandonment of such use pursuant to Section 178 of this Code, unless the original liquor
 10 store elects to relocate somewhere else permanently. Temporary relocation of liquor stores in the
 11 North Beach Neighborhood Commercial District that have been closed as a result of a fire to another
 12 location in the North Beach Neighborhood Commercial District shall not require a new Conditional
 13 Use Permit for the duration of up to three years of interim relocation.

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

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

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

10 By: 
11 ANDREA RUIZ-ESQUIDE
12 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: 180861

Date Passed: October 23, 2018

Ordinance amending the Planning Code to provide that temporary closure of a liquor store in the North Beach Neighborhood Commercial District (NCD) as a result of a fire is not an abandonment of such use, and that relocation of such use to another location in the North Beach 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 necessity, convenience, and welfare under Planning Code, Section 302.

October 15, 2018 Land Use and Transportation Committee - RECOMMENDED AS COMMITTEE REPORT

October 16, 2018 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang and Yee

October 23, 2018 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang and Yee

File No. 180861

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 10/23/2018 by the Board of Supervisors of the City and County of San Francisco.

for Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

11/2/2018

Date Approved