

1 [Zoning – Ordinance Creating the Excelsior Alcohol Restricted Use District and the North  
2 Beach Alcohol Restricted Use District.]

3 **Ordinance amending the San Francisco Planning Code by adding Section 785 to create**  
4 **an Excelsior Alcohol Restricted Use District prohibiting new off-sale liquor**  
5 **establishments and providing for a five-year sunset provision; adding Section 786 to**  
6 **create a North Beach Alcohol Restricted Use District prohibiting new off-sale liquor**  
7 **establishments and providing for a five-year sunset provision; amending Sectional**  
8 **Maps SU 11 and SU 12 of the Zoning Map of the City and County of San Francisco to**  
9 **establish the boundaries of the Excelsior Alcohol Restricted Use District, which**  
10 **generally consist of the blocks fronting both sides of Mission Street from Silver**  
11 **Avenue to the Daly City border; amending Section Map SU 01 to establish the**  
12 **boundaries of the North Beach Alcohol Restricted Use District, which consists of the**  
13 **properties within the North Beach Neighborhood Commercial District; adopting**  
14 **findings, including environmental findings and findings of consistency with the priority**  
15 **policies of Planning Code Section 101.1 and the General Plan.**

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17 Note: Additions are single-underline italics Times New Roman;  
18 deletions are ~~strikethrough italics Times New Roman~~.  
19 Board amendment additions are double underlined.  
20 Board amendment deletions are ~~strikethrough normal~~.

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

22 Section 1. General Findings. The Board of Supervisors of the City and County of San  
23 Francisco hereby finds and determines that:

24 (a) The Planning Department has determined that the actions contemplated in this  
25 ordinance are in compliance with the California Environmental Quality Act (California Public  
Resources Code section 21000 et seq.). Said determination is on file with the Clerk of the

1 Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by  
2 reference.

3 (b) At a duly noticed public hearing held on \_\_\_\_\_, the Planning  
4 Commission found in Resolution No. \_\_\_\_\_ that the proposed Planning Code and  
5 Zoning Map amendments contained in this ordinance are consistent with the City's General  
6 Plan and with Planning Code Section 101.1(b) and recommended that the Board of  
7 Supervisors adopt this ordinance. A copy of this Planning Commission Resolution is on file  
8 with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated  
9 herein by reference. The Board finds that the proposed Planning Code and Zoning Map  
10 amendments contained in this ordinance are consistent with the City's General Plan and with  
11 Planning Code Section 101.1(b) for the reasons set forth in the Planning Commission  
12 Resolution cited above.

13 Section 2. The San Francisco Planning Code is hereby amended by adding Section  
14 785, to read as follows:

15 **SEC. 785. EXCELSIOR ALCOHOL RESTRICTED USE DISTRICT.**

16 (a) Findings. There are an unusually large number of establishments dispensing alcoholic  
17 beverages, including beer and wine, for off-site consumption in the area located generally on Mission  
18 Street from Silver Avenue to the Daly City border. The existence of this many off-sale alcoholic  
19 beverage establishments appears to contribute directly to numerous peace, health, safety, and general  
20 welfare problems in the area, including loitering, littering, public drunkenness, defacement and  
21 damaging of structures, pedestrian obstructions, as well as traffic circulation, parking and noise  
22 problems on public streets and neighborhood lots. The existence of these problems creates serious  
23 impacts on the health, safety, and welfare of residents of nearby single- and multiple-family areas,  
24 including fear for the safety of children, elderly residents, and visitors to the area. The problems also  
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1 contribute to the deterioration of the neighborhood and concomitant devaluation of property and  
2 destruction of community values and quality of life. The number of establishments selling alcoholic  
3 beverages for off-site consumption and the associated problems discourage more desirable and needed  
4 commercial uses in the area.

5 (b) Establishment of the Excelsior Alcohol Restricted Use District. In order to preserve the  
6 residential character and the neighborhood-serving commercial uses of the area, the Excelsior Alcohol  
7 Restricted Use District (Excelsior Alcohol RUD) is hereby established for the entirety of the following  
8 Assessor's Blocks fronting on both sides of Mission Street from Silver Avenue to the Daly City borders:  
9 Blocks 3147, 3148, 3206, 5869, 5892, 5893, 5952, 6013, 6014, 6083, 6084, 6272, 6346, 6347, 6796,  
10 6797, 6798, 6799, 6800, 6801, 6802, 6803, 6804, 6955, 6956, 6959, and 6968.

11 The Excelsior Alcohol RUD is designated on Sectional Map Numbers SU 11 and SU 12 of the  
12 Zoning Map of the City and County of San Francisco.

13 (c) Definitions. The following definitions shall apply to this Section 785:

14 (1) "ABC License" shall mean a liquor license issued by the California Department of  
15 Alcoholic Beverage Control.

16 (2) "Liquor establishment" shall mean any enterprise selling alcoholic beverages, as  
17 defined in California Business and Professions Code Sections 23004 and 23025, pursuant to an ABC  
18 License.

19 (3) "Prohibited liquor establishment" shall mean any establishment selling alcoholic  
20 beverages lawfully existing prior to the effective date of this ordinance and licensed by the State of  
21 California for the sale of alcoholic beverages for off-site consumption ("off-sale"), so long as otherwise  
22 lawful. It shall include an establishment that is defined in Section 790.55 of this Code including the  
23 limitations on sale of specified beverages set forth in Section 249.5(d)(7)(B).

24 (d) Controls.  
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1       (1) No new liquor establishments selling alcoholic beverages for off-site consumption shall  
2 be permitted in the Excelsior Alcohol RUD.

3       (2) The prohibition of off-sale liquor establishments shall not be interpreted to prohibit the  
4 following:

5       (A) Temporary uses, as described in Planning Code Section 205.1 or 205.3; or

6       (B) Establishment of an off-sale liquor establishment if an application for such liquor  
7 establishment is on file with the California Department of Alcoholic Beverage Control prior to the  
8 effective date of this ordinance establishing the Excelsior Alcohol RUD; or

9       (C) Off-sales by a general grocery as defined in Section 790.102(a) of this Code.

10       (3) Continuation of Existing Prohibited Liquor Establishments. In the Excelsior Alcohol  
11 RUD, any prohibited liquor establishment may continue in accordance with Planning Code Section 180  
12 through 186.2, subject to the following provisions:

13       (A) A prohibited liquor establishment lawfully existing and selling alcoholic beverages as  
14 licensed by the State of California prior to the effective date of this legislation, or subsequent  
15 legislation prohibiting that type of liquor establishment, so long as otherwise lawful may continue to  
16 operate only under the following conditions, as provided by California Business and Professions Code  
17 Section 23790:

18       (i) Except as provided in subsection (B) below, the premises shall retain the same type of  
19 retail liquor license within a license classification; and

20       (ii) Except as provided in subsection (B) below, the liquor establishment shall be operated  
21 continuously, without substantial changes in mode or character of operation.

22       (B) A break in continuous service shall not be interpreted to include the following, provided  
23 that, except as indicated below, the location of the establishment does not change, the square footage  
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1 used for the sale of alcoholic beverages does not increase, and the type of ABC License does not  
2 change:

3 (i) a change in ownership of a prohibited liquor establishment or an owner-to-owner  
4 transfer of an ABC License;

5 (ii) a temporary closure for restoration or repair of an existing prohibited liquor  
6 establishment on the same lot after total or partial destruction or damage due to fire, riot, insurrection,  
7 toxic accident, or act of God;

8 (iii) temporary closure of an existing prohibited liquor establishment for reasons other than  
9 total or partial destruction or damage due to fire, riot, insurrection, toxic accident, or act of God for  
10 not more than thirty days for repair, renovation, or remodeling; or

11 (iv) relocation of an existing prohibited liquor establishment in the Excelsior Alcohol RUD  
12 to another location within the same Excelsior Alcohol RUD with conditional use authorization from the  
13 Planning Commission, provided that the original premises shall not be occupied by a prohibited liquor  
14 establishment unless by another prohibited liquor establishment that is also relocating from within the  
15 Excelsior Alcohol RUD.

16 (e) Sunset Provision. This Section 785 shall be repealed five years after its initial effective  
17 date unless the Board of Supervisors, on or before that date, extends or re-enacts it.

18 Section 3. The San Francisco Planning Code is hereby amended by adding Section  
19 786, to read as follows:

20 **SEC. 786. NORTH BEACH ALCOHOL RESTRICTED USE DISTRICT.**

21 (a) Findings. There are an unusually large number of establishments dispensing alcoholic  
22 beverages, including beer and wine, for off-site consumption in the North Beach Neighborhood  
23 Commercial District established by Section 722.1 of this Code. The existence of this many off-sale  
24 alcoholic beverage establishments appears to contribute directly to numerous peace, health, safety, and

1 general welfare problems in the area, including loitering, littering, public drunkenness, defacement and  
2 damaging of structures, pedestrian obstructions, as well as traffic circulation, parking and noise  
3 problems on public streets and neighborhood lots. The existence of these problems creates serious  
4 impacts on the health, safety, and welfare of residents of nearby single- and multiple-family areas,  
5 including fear for the safety of children, elderly residents, and visitors to the area. The problems also  
6 contribute to the deterioration of the neighborhood and concomitant devaluation of property and  
7 destruction of community values and quality of life. The number of establishments selling alcoholic  
8 beverages for off-site consumption and the associated problems discourage more desirable and needed  
9 commercial uses in the area.

10 (b) Establishment of the North Beach Alcohol Restricted Use District. In order to preserve  
11 the residential character and the neighborhood-serving commercial uses of the area, the North Beach  
12 Alcohol Restricted Use District (North Beach Alcohol RUD) is hereby established for the properties  
13 within the North Beach Neighborhood Commercial District established by Section 722.1 of this Code.  
14 The North Beach Alcohol RUD is designated on Sectional Map Number SU 01 of the Zoning Map of  
15 the City and County of San Francisco.

16 (c) Definitions. The following definitions shall apply to this Section 786:

17 (1) "ABC License" shall mean a liquor license issued by the California Department of  
18 Alcoholic Beverage Control.

19 (2) "Liquor establishment" shall mean any enterprise selling alcoholic beverages, as  
20 defined in California Business and Professions Code Sections 23004 and 23025, pursuant to an ABC  
21 License.

22 (3) "Prohibited liquor establishment" shall mean any establishment selling alcoholic  
23 beverages lawfully existing prior to the effective date of this ordinance and licensed by the State of  
24 California for the sale of alcoholic beverages for off-site consumption ("off-sale"), so long as otherwise  
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1 lawful. It shall include an establishment that is defined in Section 790.55 of this Code including the  
2 limitations on sale of specified beverages set forth in Section 249.5(d)(7)(B).

3 (d) Controls.

4 (1) No new liquor establishments selling alcoholic beverages for off-site consumption shall  
5 be permitted in the North Beach Alcohol RUD.

6 (2) The prohibition of off-sale liquor establishments shall not be interpreted to prohibit the  
7 following:

8 (A) Temporary uses, as described in Planning Code Section 205.1 or 205.3; or

9 (B) Establishment of an off-sale liquor establishment if an application for such liquor  
10 establishment is on file with the California Department of Alcoholic Beverage Control prior to the  
11 effective date of this ordinance establishing the Excelsior Alcohol RUD; or

12 (C) Off-sales by a general grocery as defined in Section 790.102(a) of this Code.

13 (3) Continuation of Existing Prohibited Liquor Establishments. In the North Beach Alcohol  
14 RUD, any prohibited liquor establishment may continue in accordance with Planning Code Section 180  
15 through 186.2, subject to the following provisions:

16 (A) A prohibited liquor establishment lawfully existing and selling alcoholic beverages as  
17 licensed by the State of California prior to the effective date of this legislation, or subsequent  
18 legislation prohibiting that type of liquor establishment, so long as otherwise lawful may continue to  
19 operate only under the following conditions, as provided by California Business and Professions Code  
20 Section 23790:

21 (i) Except as provided in subsection (B) below, the premises shall retain the same type of  
22 retail liquor license within a license classification; and

23 (ii) Except as provided in subsection (B) below, the liquor establishment shall be operated  
24 continuously, without substantial changes in mode or character of operation.

1           (B) A break in continuous service shall not be interpreted to include the following, provided  
2           that, except as indicated below, the location of the establishment does not change, the square footage  
3           used for the sale of alcoholic beverages does not increase, and the type of ABC License does not  
4           change:

5           (i) a change in ownership of a prohibited liquor establishment or an owner-to-owner  
6           transfer of an ABC License;

7           (ii) a temporary closure for restoration or repair of an existing prohibited liquor  
8           establishment on the same lot after total or partial destruction or damage due to fire, riot, insurrection,  
9           toxic accident, or act of God;

10           (iii) temporary closure of an existing prohibited liquor establishment for reasons other than  
11           total or partial destruction or damage due to fire, riot, insurrection, toxic accident, or act of God for  
12           not more than thirty days for repair, renovation, or remodeling; or

13           (iv) relocation of an existing prohibited liquor establishment in the North Beach Alcohol  
14           RUD to another location within the same North Beach Alcohol RUD with conditional use authorization  
15           from the Planning Commission, provided that the original premises shall not be occupied by a  
16           prohibited liquor establishment unless by another prohibited liquor establishment that is also  
17           relocating from within the North Beach Alcohol RUD.

18           (e) Sunset Provision. This Section 786 shall be repealed five years after its initial effective  
19           date unless the Board of Supervisors, on or before that date, extends or re-enacts it.

20           Section 4. In accordance with Planning Code Section 106 and 302, the following  
21           change is hereby adopted as an amendment to Sectional Maps SU 11 and SU 12 of the  
22           Zoning Map of the City and County of San Francisco:



Description of Property

Special Use District  
To Be Approved

The entirety of Blocks 3147, 3148, 3206, 3207  
5952, 6013, 6014, 6083, 6084, 6272, 6346, 6347,  
6369, 6410, 6411, 6461, 6462, 6468, 6468A, 6469,  
6471, 6472, 6473, 6474, 6796, 6797, 6798, 6799,  
6800, 6955, 6956, 6959, 6968, 7030, 7031, 7043,  
7044A, 7066, 7098, 7099, 7109, 7109A, 7143, and  
7144.

Excelsior Alcohol  
Restricted Use District

Section 5. In accordance with Planning Code Section 106 and 302, the following  
change is hereby adopted as an amendment to Sectional Map SU 01 of the Zoning Map of  
the City and County of San Francisco:

Description of Property

Special Use District  
To Be Approved

North Beach Neighborhood Commercial District

North Beach Alcohol  
Restricted Use District

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

By: \_\_\_\_\_  
JUDITH A. BOYAJIAN  
Deputy City Attorney