

FILE NO. 080062

MOTION NO.

1 [Regulating the permitted locations of new liquor stores and their conditions of operation.]

2
3 **Motion ordering submitted to the voters an Ordinance authorizing amendment of the**
4 **Planning Code by adding Section 226.5 to impose a distance requirement of ~~1,000~~ 500**
5 **feet or more between new off-sale liquor stores and existing liquor stores, schools,**
6 **public libraries and recreation centers and establishing conditions for operation of**
7 **liquor stores at an election to be held on June 3, 2008.**

8
9 Findings. The Board of Supervisors of the City and County of San Francisco hereby
10 finds and determines that the Planning Department conducted environmental review of this
11 ordinance pursuant to the California Environmental Quality Act, Public Resources Code
12 Section 21000 et seq. Documentation of that review is on file with the Clerk of the Board of
13 Supervisors in File No. 080062.

14
15 MOVED, That the Board of Supervisors hereby submits the following ordinance to the
16 voters of the City and County of San Francisco, at an election to be held on June 3, 2008.

17
18 **Ordinance amending the Planning Code by adding Section 226.5 to impose a distance**
19 **requirement of ~~1,000~~ 500 feet or more between new off-sale liquor stores and existing**
20 **liquor stores, schools, public libraries and recreation centers and establishing**
21 **conditions for operation of liquor stores.**

22 Note: Additions are single-underline italics Times New Roman;
23 deletions are ~~strikethrough italics Times New Roman~~.
24 Board amendment additions are double underlined.
25 Board amendment deletions are ~~strikethrough normal~~.

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

2 Section 2. The San Francisco Planning Code is hereby amended by adding new
3 Section 226.5, to read as follows:

4 SEC. 226.5. Alcohol Reduction and Safer Neighborhoods Act: Permitted Locations Of New
5 Liquor Stores And Their Conditions Of Operation.

6 (a) Name; Applicability.

7 This ordinance shall be known as the Alcohol Reduction and Safer Neighborhoods Act, and
8 shall apply throughout the City and County of San Francisco (the "City").

9 (b) Findings.

10 (1) The City has the highest ratio of off-sale alcohol uses per capita in California, the great
11 majority of which are liquor stores; and,

12 (2) Nuisance and criminal activities such as drug dealing, public drunkenness, loitering, and
13 other behaviors that negatively impact neighborhoods occur with disproportionate frequency at and
14 around the premises of off-sale alcohol uses, particularly where fortified wines and fortified malt
15 beverages are sold; and,

16 (3) Poorly regulated off-sale alcohol uses increase the availability of alcohol in the
17 communities in which they are located, and studies have demonstrated a link between the availability of
18 alcohol and numerous negative consequences, including violence, fatal traffic crashes, and nuisance
19 law violations; and,

20 (4) These nuisances are further exacerbated by a high concentration of liquor stores which
21 dedicate a significant portion of their floor space to the sale of fortified wines and malt beverages; and

22 (5) In order to address these problems, it is necessary to regulate the location and conditions of
23 operation of liquor stores within the City.

24 (c) Definitions.

1 (1) "Liquor store" shall mean a retail use which sells beer, wine, or distilled spirits to a
2 customer in an open or closed container for consumption off the premises and which needs a State
3 of California Alcoholic Beverage Control License type 20 (off-sale beer and wine) or type 21 (off-sale
4 general).

5 (2) "Fortified wine" shall mean any wine with an alcohol content greater than 15% per volume,
6 except for "dinner wines" that have been aged two years or more.

7 (3) "Fortified malt beverage" shall mean any malt beverage with an alcohol content greater
8 than 5.7% per volume.

9 (4) "Grocery store" shall mean a retail food establishment that (i) offers a diverse variety of
10 unrelated, non-complementary food and non-food commodities, such as non-alcoholic beverages,
11 dairy, dry goods, fresh produce and other perishable items, frozen foods, household products, and
12 paper goods; (ii) prepares minor amounts or no food on site for immediate consumption, and (iii)
13 markets the majority of its merchandise at retail prices.

14 (d) Permitted Locations of Liquor Stores and their Conditions of Operation.

15 (1) No new liquor store shall be permitted to establish business within ~~1,000~~ 500 feet of an
16 existing liquor store, an elementary or secondary school, whether public or private, a public library or
17 a recreational center operated by the San Francisco Recreation & Parks Department where children
18 are present on a regular basis.

19 (2) No new liquor store shall be permitted to devote more than 0.5 % of the gross square
20 footage of the establishment to the display and sale of fortified wines and fortified malt beverages.

21 (3) A grocery store shall be permitted to establish business within ~~1,000~~ 500 feet of an existing
22 liquor store, an elementary or secondary school, whether public or private, a public library or a
23 recreational center operated by the San Francisco Recreation & Parks Department where children are
24 present on a regular basis, provided that (i) the grocery store shall not devote more than 15% of the
25 gross square footage of the establishment to the display and sale of alcoholic beverages and (ii) the

1 grocery store shall not devote more than 0.5% of the total square footage devoted to the display and
2 sale of alcoholic beverages to the display and sale of fortified wines and fortified malt beverages.

3 (4) No more than 20 % of the total square footage of the windows and clear doors of any liquor
4 store or grocery store shall bear signs or advertisement of any sort. All advertising and signage shall
5 be placed and maintained in a manner that ensures that law enforcement personnel have a clear and
6 unobstructed view of the interior of the premises, including the area in which the cash registers are
7 maintained, from the exterior public sidewalk or entrance to the premises. This requirement shall not
8 apply to premises where there are no windows or where the existing windows are located at a height
9 that precludes a view of the interior of the premises by a person standing outside the premises.

10 (e) Further Regulation.

11 The requirements of this Ordinance shall be in addition to any restrictions, conditions or
12 requirements already applicable to the establishment of liquor stores in the City and shall not affect
13 any areas where new liquor stores are not permitted. Furthermore, nothing in this Ordinance
14 shall preclude the Board of Supervisors from adopting more restrictive provisions for the location and
15 conditions of operation of liquor stores.

16 (d) Severability.

17 If any provision of this Ordinance, or any application of this Ordinance to any person or
18 circumstance is held invalid, such invalidity shall not affect any provision or application of this
19 Ordinance that can be given effect without the invalid provision or application. To this end, the
20 provisions of this ordinance are severable.

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

23 By: _____
24 Kate Herrmann Stacy
25 Deputy City Attorney