

1 [Liquor Store Use Category]

2 AMENDING PART II, CHAPTER II, OF THE SAN FRANCISCO MUNICIPAL CODE
3 (PLANNING CODE) BY AMENDING ARTICLE SEVEN TO CREATE "LIQUOR STORE"
4 AS A NEW USE CATEGORY IN THE NEIGHBORHOOD COMMERCIAL DISTRICTS, BY
5 ADDING SECTION 790.55 TO DEFINE THE USE AND DESIGNATING THE NEW USE AS
6 EITHER A PERMITTED USE, A CONDITIONAL USE OR NOT PERMITTED IN THE
7 VARIOUS NEIGHBORHOOD COMMERCIAL DISTRICTS BY AMENDING SECTION
8 703.2 AND EACH OF THE NEIGHBORHOOD COMMERCIAL DISTRICT ZONING
9 CONTROL TABLES IN ARTICLE 7; ADOPTING FINDING PURSUANT TO PLANNING
10 CODE SECTION 101.1

11 Note: Additions are underlined; deletions are in ((double parentheses)).

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

13 Section 1.

14 (a) General Findings.

15 During a scheduled study of possible changes to the Neighborhood Commercial District
16 controls, the Department identified alcoholic beverage controls as a potentially important issue for
17 the NCD study. It noted that the Planning Code already controls in the NC Districts, the
18 establishments typically offering on sale alcohol consumption (bars and restaurants). A
19 concentration of off sale establishments is frequently cited as contributing to street-oriented
20 misconduct such as littering, panhandling, loitering, drug trafficking, noise, vandalism and gang
21 related activities, and these problems threaten personal safety, devalue property and tarnish the

1 neighborhood's image. At a time when neighborhood residents are trying to improve the
2 economic base of their neighborhood, improve public safety, beautify their neighborhood, and
3 provide a stable living environment for its residents, any new off-sale liquor establishment may be a
4 threat to this effort and may not be desirable in some neighborhoods.

5 (b) Priority Policy Findings. The proposed amendment would conform to the Priority
6 Policies of Planning Code section 101.1,

7 (1) The legislation is consistent with Priority Policy 1 in that prohibiting additional
8 establishments selling off-sale liquor in areas already impacted by these uses or making them
9 conditional uses in other districts would enhance the image of the neighborhood and help create a
10 diverse retail offering.

11 (2) The legislation is consistent with Priority Policy 2 in that prohibiting additional
12 establishments selling off-sale liquor in areas already impacted by these uses or making them
13 conditional uses would enhance the image of the neighborhood and help preserve the character of
14 the residential development in these areas.

15 (3) The legislation is consistent with Priority Policy 3 in that it would not effect
16 affordability of housing.

17 (4) The legislation is consistent with Priority Policy 4 in that it would not effect commuter
18 traffic or Muni transit service.

19 (5) The legislation is consistent with Priority Policy 5 in that it would not encourage the
20 intrusion of commercial office development.

21 (6) The legislation is consistent with Priority Policy 6 in that the proposal would not effect
22 seismic safety standards.

1 (7) The legislation is consistent with Priority Policy 7 in that it would not change the rules
2 regarding landmarks and historic buildings but would help provide an appropriate environment for
3 them.

4 (8) The legislation is consistent with Priority Policy 8 in that it would help provide an
5 appropriate environment for open spaces by limiting the availability of alcoholic beverages that
6 could be consumed outdoors.

7 Section 2. The San Francisco Planning Code is hereby amended by amending Section
8 703.2 to reflect the creation of a new use category of Liquor Store, as follows:

9 **SEC. 703.2. USES PERMITTED IN NEIGHBORHOOD COMMERCIAL**

10 **DISTRICTS.** A use is the specific purpose for which a property or building is used, occupied,
11 maintained, or leased. Whether or not a use is permitted in a specific district is set forth or
12 summarized and cross-referenced in Sections 710.1 through 730.95 of this Code for each district
13 class.

14 (a) **Use Categories.** The uses, functions, or activities, which are permitted in each
15 Neighborhood Commercial District class include those listed below by zoning control category and
16 number and cross-referenced to the Code Section containing the definition.

		Section Number of
No.	Zoning Control Categories for Uses	Use Definition
.24	Outdoor Activity Area	§ 790.70
.25	Drive-up Facility	§ 790.30
.26	Walk-up Facility	§ 790.140
.27	Hours of Operation	§ 790.48

1	.38	Residential Conversion	§ 790.84
2	.39	Residential Demolition	§ 790.86
3	.40	Other Retail Sales and Services	§ 790.102
4	.41	Bar	§ 790.22
5	.42	Full-service Restaurant	§ 790.92
6	.43	Large Fast-Food Restaurant	§ 790.90
7	.44	Small Self-Service Restaurant	§ 790.91
8	<u>.45</u>	<u>Liquor Store</u>	<u>§ 790.55</u>
9	.46	Movie Theater	§ 790.64
10	.47	Adult Entertainment	§ 790.36
11	.48	Other Entertainment	§ 790.38
12	.49	Financial Service	§ 790.110
13	.50	Limited Financial Service	§ 790.112
14	.51	Medical Service	§ 790.114
15	.52	Personal Service	§ 790.116
16	.53	Business or Professional Service	§ 790.108
17	.54	Massage Establishment	§ 790.60
18	.55	Tourist Hotel	§ 790.46
19	.56	Automobile Parking	§ 790.8
20	.57	Automotive Gas Station	§ 790.14
21	.58	Automotive Service Station	§ 790.17
22	.59	Automotive Repair	§ 790.15

1	.60	Automotive Wash	§ 790.18
2	.61	Automobile Sale or Rental	§ 790.12
3	.62	Animal Hospital	§ 790.6
4	.63	Ambulance Service	§ 790.2
5	.64	Mortuary	§ 790.62
6	.65	Trade Shop	§ 790.124
7	.66	Storage	§ 790.117
8	.67	Video Store	§ 790.135
9	.70	Administrative Service	§ 790.106
10	.80	Hospital or Medical Center	§ 790.44
11	.81	Other Institutions, Large	§ 790.50
12	.82	Other Institutions, Small	§ 790.51
13	.83	Public Use	§ 790.80
14	.90	Residential Use	§ 790.88
15	.95	Community Residential Parking	§ 790.10

(b) **Use Limitations.** The uses permitted in Neighborhood Commercial Districts are either principal, conditional, accessory, or temporary uses as stated in this Section, and include those uses set forth or summarized and cross-referenced in the zoning control categories as listed in Paragraph (a) in Sections 710.1 through 729.95 of this Code for each district class.

(1) **Permitted Uses.** All permitted uses shall be conducted within an enclosed building in Neighborhood Commercial Districts, unless otherwise specifically allowed in this Code. Exceptions from this requirement are: uses which, when located outside of a building, qualify as an outdoor activity area, as defined in Section 790.70 of this Code; accessory off-street parking and

1 loading and other uses listed below which function primarily as open-air uses, or which may be
2 appropriate if located on an open lot, outside a building, or within a partially enclosed building,
3 subject to other limitations of this Article 7 and other sections of this Code.

4	No.	Zoning Control Category
5	.56	Automobile Parking
6	.57	Automotive Gas Station
7	.58	Automotive Service Station
8	.60	Automotive Wash
9	.61	Automobile Sale or Rental
10	.81	Other Institutions, Large (selected)
11	.83	Public Use (selected)
12	.95	Community Residential Parking

13 If there are two or more uses in a structure and none is classified below under Section
14 703.2(b)(1)(C) of this Code as accessory, then each of these uses will be considered separately as
15 independent principal, conditional or temporary uses.

16 (A) **Principal Uses.** Principal uses are permitted as of right in a Neighborhood
17 Commercial District, when so indicated in Sections 710.1 through 729.95 of this Code for each
18 district class.

19 (B) **Conditional Uses.** Conditional uses are permitted in a Neighborhood
20 Commercial District when authorized by the Planning Commission; whether a use is conditional in
21 a given district is indicated in Sections 710.10 through 729.95. An establishment which sells beer
22 or wine with motor vehicle fuel is a conditional use, and shall be governed by Section 229.
23 Conditional uses are subject to the provisions set forth in Sections 178, 179, and 316 through
24 316.8 of this Code.

25 (C) **Accessory Uses.** Except as prohibited in Section 728 and subject to the

1 limitations set forth below and in Sections 204.1 (Accessory Uses for Dwelling Units in R and NC
2 Districts), 204.4 (Dwelling Units Accessory to Other Uses), and 204.5 (Parking and Loading as
3 Accessory Uses) of this Code, a related minor use which is either necessary to the operation or
4 enjoyment of a lawful principal use or conditional use, or is appropriate, incidental and subordinate
5 to any such use, shall be permitted as an accessory use when located on the same lot. Any use
6 which does not qualify as an accessory use shall be classified as a principal or conditional use,
7 unless it qualifies as a temporary use under Sections 205 through 205.2 of this Code.

8 No use will be considered accessory to a permitted principal or conditional use which
9 involves or requires any of the following:

10 (i) The use of more than 1/3 of the total floor area occupied by such use and the
11 principal or conditional use to which it is accessory, except in the case of accessory off-street
12 parking and loading;

13 (ii) Any bar, restaurant, other entertainment, or any retail establishment which
14 serves liquor for consumption on-site;

15 (iii) Any take-out food use, as defined in Section 790.122, except for a take-out
16 food use which occupies 100 square feet or less (including the area devoted to food preparation
17 and service and excluding storage and waiting areas) in a general grocery or specialty grocery
18 store;

19 (iv) Any take-out food use, as defined in Section 790.122, except for a take-out
20 food use operating as a minor and incidental use within a full-service restaurant;

21 (v) The wholesaling, manufacturing or processing of foods, goods, or
22 commodities on the premises of an establishment which does not also use or provide for primarily
23 retail sale of such foods, goods or commodities at the same location where such wholesaling,
24 manufacturing or processing takes place.

25 The foregoing rules shall not prohibit take-out food activity which operates in conjunction
26 with a fast-food restaurant or a self-service restaurant. A fast-food restaurant or a self-service

1 restaurant, by definition, includes take-out food as an accessory and necessary part of its operation.

2 (D) **Temporary Uses.** Temporary uses are permitted uses, subject to the
3 provisions set forth in Section 205 of this Code.

4 (2) **Not Permitted Uses.**

5 (A) Uses which are not specifically listed in this Article are not permitted unless
6 they qualify as a nonconforming use pursuant to Sections 180 through 186.1 of this Code or are
7 determined by the Zoning Administrator to be permitted uses in accordance with Section 307(a) of
8 this Code.

9 (B) No use, even though listed as a permitted use, shall be permitted in a
10 Neighborhood Commercial District which, by reason of its nature or manner of operation, creates
11 conditions that are hazardous, noxious, or offensive through the emission of odor, fumes, smoke,
12 cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive noise.

13 (C) The establishment of a use that sells alcoholic beverages, other than beer and
14 wine, concurrent with motor vehicle fuel is prohibited, and shall be governed by Section 229.

15 Section 3. The San Francisco Planning Code is hereby amended by adding Section
16 710.45 to the Neighborhood Cluster District (NC-1) Zoning control table (Section 710) adding the
17 liquor store use category as follows:

18 **SEC. 710.**

19 **NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT**

20 **NC-1 ZONING CONTROL TABLE**

			NC-1		
No.	Zoning Category	§ References	Controls		
Retail Sales and Services					
<u>710.45</u>	<u>Liquor Store</u>	<u>790.55</u>	<u>P</u>		

26 Section 4. The San Francisco Planning Code is hereby amended by adding Section
27 711.45 to the Small-Scale Neighborhood Commercial District (NC-2) Zoning control table

1 (Section 711) adding the liquor store use category as follows:

2 **SEC. 711.**

3 **SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT**

4 **NC-2 ZONING CONTROL TABLE**

			NC-2		
No.	Zoning Category	§ References	Controls		
Retail Sales and Services					
<u>711.45</u>	<u>Liquor Store</u>	<u>790.55</u>	<u>P</u>		

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10 Section 5. The San Francisco Planning Code is hereby amended by adding Section 712.45
11 to the Moderate-Scale Neighborhood Commercial District (NC-3) Zoning control table (Section
12 712) adding the liquor store use category as follows:

13 **SEC. 712.**

14 **MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT**

15 **NC-3 ZONING CONTROL TABLE**

			NC-3		
No.	Zoning Category	§ References	Controls		
Retail Sales and Services					
<u>712.45</u>	<u>Liquor Store</u>	<u>790.55</u>			

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21 Section 6. The San Francisco Planning Code is hereby amended by adding Section
22 713.45 to the Neighborhood Commercial Shopping Center District NC-S Zoning Control Table
23 (Section 713) adding the liquor store use category as follows:

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SEC. 729.

WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE

No.	Zoning Category	§ References	24 th Street-Noe Valley Controls		
Retail Sales and Services					
<u>729.45</u>	<u>Liquor Store</u>	<u>790.55</u>	<u>P</u>		

Section 23. The San Francisco Planning Code is hereby amended by adding Section 790.55 to define "Liquor Store," as follows:

Sec. 790.55. Liquor Store. A retail use which sells beer, wine, or distilled mineral spirits to a customer in an open or closed container for consumption off the premises and which needs a State of California Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) or type 21 (off-sale general).

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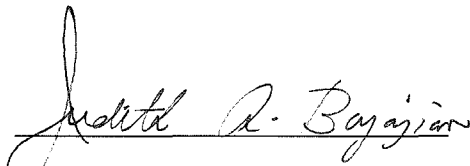
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APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By:



JUDITH A. BOYAJIAN

Deputy City Attorney

SAN FRANCISCO DEPARTMENT OF CITY PLANNING
CATEGORICALLY EXEMPT FROM ENVIRONMENTAL

CLASS Not a project per CEQA

Statutes Section 21065.

Deane Wong 5/24/00



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 001424

Date Passed:

Ordinance amending Part II, Chapter II, of the San Francisco Municipal Code (Planning Code) by amending Article Seven to create "Liquor Store" as a new use category in the Neighborhood Commercial Districts, by adding Section 790.55 to define the use and designating the new use as either a permitted use, a conditional use or not permitted in the various Neighborhood Commercial Districts by amending Section 703.2 and each of the Neighborhood Commercial District Zoning Control Tables in Article 7; adopting findings pursuant to Planning Code Section 101.1.

October 30, 2000 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 9 - Becerril, Bierman, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee
Absent: 2 - Ammiano, Brown

November 6, 2000 Board of Supervisors — FINALLY PASSED

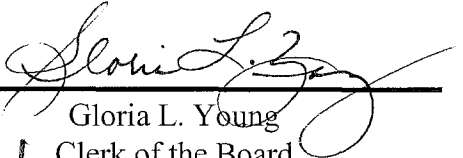
Ayes: 10 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom,
Teng, Yaki
Absent: 1 - Yee

File No. 001424

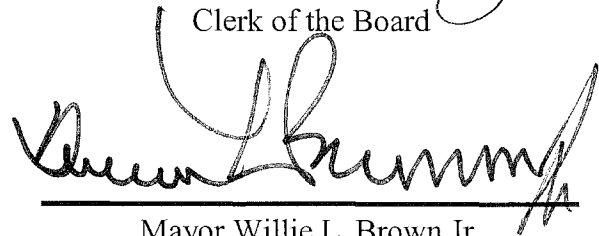
I hereby certify that the foregoing Ordinance was FINALLY PASSED on November 6, 2000 by the Board of Supervisors of the City and County of San Francisco.

NOV 17 2000

Date Approved



Gloria L. Young
Clerk of the Board



Mayor Willie L. Brown Jr.