

1 [Zoning Map Change, Mid-Mission]
 2 AMENDING THE ZONING MAP OF THE CITY AND COUNTY OF SAN FRANCISCO FOR
 3 PROPERTY GENERALLY BOUNDED BY CESAR CHAVEZ STREET, MISSION STREET,
 4 RANDALL STREET, SAN JOSE AVENUE AND GUERRERO STREET BY CHANGING THE
 5 PROPERTY USE CLASSIFICATIONS THEREOF TO ADD MISSION ALCOHOLIC
 6 BEVERAGE SPECIAL USE DISTRICT; AMENDING PART II, CHAPTER II, OF THE SAN
 7 FRANCISCO MUNICIPAL CODE (PLANNING CODE) BY AMENDING SECTION 781.8
 8 THEREOF TO CHANGE THE ^{BOUNDARIES} ~~BOUNDRIES~~ OF THE MISSION ALCOHOLIC BEVERAGE
 9 SPECIAL USE DISTRICT TO ADD PROPERTY GENERALLY BOUNDED BY CESAR
 10 CHAVEZ STREET, MISSION STREET, RANDALL STREET, SAN JOSE AVENUE AND
 11 GUERRERO STREET; AND MAKING A DETERMINATION OF CONSISTENCY WITH THE
 12 PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.

4/5/99
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Note: Additions are underlined; deletions are in ((double parentheses)).

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

Section 1. Findings The City and County of San Francisco Board of Supervisors finds and declares as follows:

(a) In June, 1997, the Board of Supervisors adopted Resolution 592-97, imposing an eighteen-month interim zoning control to establish the Mid-Mission Alcoholic Beverage Special Use District and to prohibit the introduction of additional establishments, or any expansion of existing establishments, selling alcoholic beverages in the area generally bounded by Cesar Chavez Street, Mission Street, Randall Street, San Jose Avenue and

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1 Guerrero Street ("Mid-Mission"). In October, 1998, the controls were extended for six months
2 (until June 18, 1999) by Resolution No. 831-98.

3 (b) Pursuant to the above resolutions, the Mid-Mission Alcoholic Beverage Special
4 Use District is subject to the controls of the Mission Alcoholic Beverage Special Use District,
5 as set forth in Planning Code Section 781.8.

6 (c) The Mid-Mission Alcoholic Beverage Control District interim zoning controls
7 have preserved the status quo, and alleviated existing negative impacts on the Mid-Mission
8 neighborhood.

9 (d) The Board of Supervisors and the Planning Department have determined that
10 the permanent controls in place in the Mission Alcoholic Beverage Special Use District are
11 appropriate and necessary to permanently alleviate the problems with bars and other
12 establishments selling alcoholic beverages in the Mid-Mission neighborhood, and that
13 therefore the area covered by the Mission Alcoholic Beverage Special Use District should be
14 extended to include the Mid-Mission neighborhood.

15
16 Section 2. Pursuant to Part II, Chapter II of the San Francisco Municipal Code (Planning
17 Code) Sections 106 and 302(c), the following change in property use classification, duly
18 approved by resolution of the Planning Commission, a copy of which is on file with the Clerk
19 of the Board of Supervisors in File No. 990543, is hereby adopted as an amendment to the
20 Zoning Map of the City and County of San Francisco:

21 Description of Property

22 All the property bounded by Cesar Chavez on the north, the property fronting the east side of
23 Mission Street on the east, Randall Street on the south and the property fronting the west side
24 of San Jose Avenue and Guerrero Street on the west, being all of the following Assessor's
25 block numbers:

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(a) All of Assessor's blocks 6574; and portions of the following Assessor's block numbers, as set forth herein: Block 5501, lots 32A, 33 (por), 34 (por), 44, 44A, 45, 46, 47, 48, 49, 50, 51, 53 and 54; block 5518 Lots 12 and 14 through 19; block 5609 Lots 12, 15, 16, 17, 28 and 29; block 5615, Lots 28, 33, ,34, 35, 36, 36A (por), 38 (por), 39, 40, 41, 42, 44, 45, 49, 50, 51, 52, 70 (por) 71, 72, 73 (por), 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99 (por), 100 (por), 101 (por), 102, 103, 104, 105, 106, 107 and 108; block 5642, lots 20, 27, 28, 49, 50, 63, 64, and 65; block 5673, lots 18, 19, 20, 21, 22, 23 (por), 24, 25, 37, 39, 40 and 41; block 5674, lots 20, 21, 22, and 23; block 5712, lot 45; block 6596, lots 1, 1A, 1B, 2, 2A, 3, 4, 5, 6, 7, 7A, 17, 15, 10, 11 and 12; block 6597, lots 18, 19, 20, and 21; block 6635, lots 1, 54, 55, 3, 4, 5, 6, 7, 16, 17, 18, 32, 43, 44, 44A, 45, 46, 47, 49, 50, 51 and 53; block 6660, lots 60, 5, 6, 7, 8, 9, 10, 11, 12, 13, 50, 28B, 28A, 61, 15, 25, 26, 16, 24, 23, 58, and 59.

Use District to be Superseded

Use Districts Hereby Approved

NC-3; Mission Street Fast Food Subdistrict

NC-3; Mission Street Fast Food Subdistrict; Mission Alcoholic Beverage Special Use Subdistrict.

(b) Block 6657, lot 18.

Use Districts to be Superseded

Use Districts Hereby Approved

P

P; Mission Alcoholic Beverage Special Use District.

(c) All of blocks 6575 and 6595 and portions of the following Assessor's block numbers, as set forth herein: block 6660, lots 62, 51, 52, 53, 48, 49, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 45A and 55; block 6659, lots 9A, 9, 8, 7, 6, 5, 4, 10, 14 and 2; block 6617,

1 lots 2 and 4; block 6616, lots 1, 2, 3, 4, 5, 6, 7, 8 and 9; block 6597, lots 1, 2, 3, 4, 5, 5A, 5B,
2 5C, 6, 7, 7A, 7B, 7C, 7D, 7E, 7F, 7G, 7R, 7S, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 22, 23, 24,
3 25, 26, 27, 28, 29, 30, 7H, 7Q, 7P, 7O, 7I, 7G, 7K, 7L, 7M, 7N, 7T, 7U, 31, 32, 33, 34, 35, 36,
4 36A, 37, 38, 39, 40, 41, 42, 43 and 44; block 6596, lots 16, 13B, 13C, 13D, 13E, 13F, 13G,
5 13H, 13I, 13J, 13K, 13L, 13M and 14; block 6594, lots 1, 2, 3, 4, 5, 6, 6A and 7; block 6577,
6 lots 1, 2, 3, 4, 5, 6, 7, 8 and 9; and block 6576, lot 21; block 5712, lots 30, 31, 32, 33, 34, 35,
7 36, 37, 38, 39, 40, 41, 42, 43 and 44.

8	<u>Use Districts to be Superceded</u>	<u>Use Districts Hereby Approved</u>
9	R-2	R-2; Mission Alcoholic Beverage Special Use
10		Subdistrict

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12 (d) All of block 6598 and portions of the following Assessor's block numbers, as set forth
13 herein: block 6599, lots 1, 1A, 1B, 1C, 1D, 39, 40, 41, 42, 35, 36 and 37; block 6634, lots 35,
14 36 and 2A; block 6635, lots 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31; block 6636, lots
15 1, 4A, 5, 6 and 9; block 6617, Lot 8.

17	<u>Use Districts to be Superceded</u>	<u>Use Districts Hereby Approved</u>
18	RH-3	RH-3; Mission Alcoholic Beverage Special
19		Use Subdistrict

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21 (e) Block 6576, lots 7, 8, 9, 9A, 10, 11, 12, 13C, 13B, 20, 14.

22	<u>Use District to be Superceded</u>	<u>Use District Hereby Approved</u>
23	RM-1	RM-1; Mission Alcoholic Beverage Special
24		Use Subdistrict

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1 Section 3 Article 2 of the San Francisco Planning Code is hereby amended by amending
2 Section 781.8, to read as follows:

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4 SEC. 781.8. There is an unusually large number of establishments dispensing
5 alcoholic beverages, including beer and wine, for both on-site and off-site consumption in this
6 area. The existence of this many alcoholic beverage establishments appears to contribute
7 directly to numerous peace, health, safety and general welfare problems in the area, including
8 loitering, littering, drug trafficking, prostitution, public drunkenness, defacement and damaging
9 of structures, pedestrian obstructions, as well as traffic circulation, parking and noise
10 problems on public streets and neighborhood lots. The existence of such problems creates
11 serious impacts on the health, safety and welfare of residents of nearby single- and multiple-
12 family areas, including fear for the safety of children, elderly residents and of visitors to the
13 area. The problems also contribute to the deterioration of the neighborhood and concomitant
14 devaluation of property and destruction of community values and quality of life. The number
15 of establishments selling alcoholic beverages and the associated problems discourage more
16 desirable and needed commercial uses in the area. In order to preserve the residential
17 character and the neighborhood-serving commercial uses of the area, there shall be a Mission
18 Alcoholic Beverage Special Use Subdistrict to prohibit new establishments, or expansion of
19 existing establishments, selling alcoholic beverages for the property in the area generally
20 bounded by Guerrero Street, San Jose Avenue, Randall Street, Mission Street, Cesar Chavez
21 Street, Potrero Avenue and Fourteenth Street ((Fourteenth Street, Cesar Chavez Street,
22 Potrero Avenue, and Guerrero Street)) as designated on Sectional Map Numbers 7SU and
23 8SU.

24 The following restrictions shall apply within such district:
25

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1 (a) Prohibition of New Establishments Selling Alcoholic Beverages. No new
2 establishment where alcoholic beverages are sold, served or given away for on-site or off-site
3 consumption, shall be established in this special use district as set forth below:

4 (1) No new bar, as defined in Planning Code Section 790.22, shall be permitted in
5 this special use district;

6 (2) No new off-sale liquor establishment shall be permitted in the special use
7 district. An "off-sale liquor establishment" shall mean any establishment which has obtained
8 Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) or type 21 (off-
9 sale general) selling alcoholic beverages in an open or a closed container for consumption off
10 the premises. Typical off-sale liquor establishments may include but are not limited to the
11 following: food markets, supermarkets, drugstores, liquor stores, bars and convenience
12 markets.

13 (b) Prohibition of Expansion of Existing Establishments Selling Alcoholic Beverages.
14 Any establishment selling alcoholic beverages lawfully existing prior to the effective date of
15 this resolution and licensed by the State of California for the retail sale of alcoholic beverages
16 for on-site and off-site consumption, so long as otherwise lawful, may continue in existence,
17 provided such establishment remains in use, as follows:

18 (1) In the event that any such establishment ceases to operate or discontinues
19 operation for 30 days or longer as set forth in State law, such use shall be deemed
20 abandoned;

21 (2) No establishment selling alcoholic beverages may substantially change the
22 mode or character of operation of the establishment, nor may it expand the square footage
23 devoted exclusively to the sale of alcoholic beverages, significantly increase the percentage of
24 alcoholic beverage sales as a portion of total sales, or change its type of retail liquor license
25 within a license classification.

1 (c) Exception for Bona Fide Restaurant. A bona fide restaurant shall be permitted to
2 serve alcoholic beverages in this special use district. A "bona fide restaurant" shall mean a
3 place which is regularly used and kept open for the service of meals to guests for
4 compensation and which has (1) suitable kitchen facilities for the cooking of an assortment of
5 foods which may be required for meals, (2) a primary use of sit-down service to patrons, (3)
6 adequate seating arrangements for sit-down patrons provided on the premises, (4) take-out
7 service that is only incidental to the primary sit-down use, (5) alcoholic beverages which are
8 sold or dispensed for consumption on the premises only when served at tables or sit-down
9 counters by employees of the restaurant, and (6) a minimum of 51 percent of the restaurant's
10 gross receipts shall be from the sale of meals. A "bona fide restaurant" does not include any
11 billiard or pool hall, bowling alley, or adult entertainment business as defined in Planning Code
12 Section 790.36.

13
14 Section 4. Pursuant to Planning Code Section 101.1 this Board of Supervisors adopts San
15 Francisco Planning Commission Resolution No. 14815, 14816 approving findings related to
16 the Eight Priority Policies of Section 101.1 of the Planning Code. A copy of this Resolution is
17 on file with the Clerk of the Board in File No. 990543 and is incorporated herein by
18 reference as though fully set forth.

19
20 APPROVED AS TO FORM:

21 LOUISE H. RENNE, City Attorney

22
23
24 By: 

25 Audrey T. Williams
Deputy City Attorney

SUPERVISOR KATZ
BOARD OF SUPERVISORS



City and County of San Francisco

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

Tails Ordinance

File Number: 990543

Date Passed:

Ordinance amending the Zoning Map of the City and County of San Francisco for property generally bounded by Cesar Chavez Street, Mission Street, Randall Street, San Jose Avenue and Guerrero Street by changing the property use classifications to add Mission Alcoholic Beverage Special Use District; amending Planning Code Section 781.8 to change the boundaries of the Mission Alcoholic Beverage Special Use District to add property generally bounded by Cesar Chavez Street, Mission Street, Randall Street, San Jose Avenue and Guerrero Street; and making a determination of consistency with the priority policies of Planning Code Section 101.1.

June 1, 1999 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

June 7, 1999 Board of Supervisors — SEVERED FROM CONSENT AGENDA

June 7, 1999 Board of Supervisors — FINALLY PASSED

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

Absent: 1 - Teng

File No. 990543

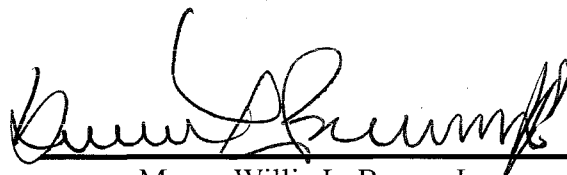
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on June 7, 1999 by
the Board of Supervisors of the City and
County of San Francisco.



Jean Lum
Acting Clerk of the Board

JUN 18 1999

Date Approved



Mayor Willie L. Brown Jr.