



# SAN FRANCISCO PLANNING DEPARTMENT

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## New Planning Code Summary:

### Amendments to the Mission Alcoholic Beverage SUD and the Valencia Street NCT

**Code Changes:** Sections 249.60 and 726.44  
**Case Number:** Board File No. 13-0459  
**Initiated by:** Supervisors Campos and Wiener  
**Effective Date:** September 9, 2013

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#### The Way It Was:

**Planning Code Section 249.60** established and defined the Mission Alcohol SUD. The Mission Alcohol SUD prohibited new establishments from distributing – including selling or serving – alcohol within the geographic area of the SUD, which is bounded by Guerrero Street, San Jose Avenue, Randall Street, Mission Street, Cesar Chavez Street, Potrero Avenue, and Fourteenth Street. The SUD also prohibited the expansion of existing establishments that sell or serve alcohol. Establishments such as liquor stores or bars that were in legal operation prior to the establishment of the SUD could continue to operate with two specific caveats:

1. An establishment could not cease to operate for more than **30 days**. If a business ceased operations for any longer period, the use was considered abandoned; and,
2. There could be no substantial change to the character of an existing business that sells alcohol, including a physical expansion or a change in the type of retail liquor license under which the business operated.

Planning Code Section 249.60 provided four specific exceptions from the prohibition: bona fide eating establishments, non-profit theaters (with live performers), bowling alleys, and single-screen movie theaters could sell and/or serve alcoholic beverages under certain circumstances.

**Planning Code Section 726.1** defined the Valencia Street Neighborhood Commercial Transit District, and Planning Code Section 726.44 noted that Restaurants, as defined in Section 790.91, were permitted at the ground story.

#### The Way It Is Now:

The Ordinance amended the Mission Alcohol SUD to:

- The following four alcohol-serving uses including bona fide eating establishments, non-profit theaters, bowling alleys, and single-screen movie

theaters to be established with a liquor license that has been transferred from another business located **within, or outside**, of the District;

- To allow, with CU authorization, the transfer of liquor licenses from **within** the district to new alcohol-serving uses including:
  1. New General Grocery Stores (as defined in Section 790.102(a)), and Specialty Grocery Stores (as defined in Section 790.102(b)), that are 5,000 square feet or smaller, provided that the percentage of gross floor area devoted to alcohol sales is consistent with the limits of Section 703.2(b)(1)(C)(vi), alcohol sales are limited to a Type 20 Liquor License, and the new establishment does not sell single beer or malt beverages in a container less than 24oz, does not sell malt beverage with an alcohol content of greater than 15% by volume – except for dinner wines that have been aged two years or more and have been maintained in a corked bottle.
  2. General Grocery or Specialty Grocery Stores that are greater than 5,000 square feet. These uses are subject to the limits of Section 790.55.
  3. New or relocated bars.
- Allow existing alcohol-serving establishments to close for up to 120 days, provided that the closure is to repair, renovate, or remodel in a manner that brings the establishment into closer conformity with the controls of the Mission Alcohol SUD, with the underlying zoning district, or with other design guidelines referenced in the Planning Code;
- Allow existing alcohol-serving establishments to expand and/or relocate with Conditional Use authorization.
- Establish “Good Neighbor Policies” to augment the operating conditions outlined in Section 703.5, including exterior lighting requirements, glazing requirements and signage restrictions.

The Ordinance amended the Valencia Street Neighborhood Commercial Transit District such that Restaurants, as defined in Section 790.91, remain permitted uses at the ground story, but that **conversions** of retail spaces to Restaurants now require Conditional Use authorization if proposed for Valencia Street between 15<sup>th</sup> Street and 24<sup>th</sup> Street.

Link to signed legislation:

130459	<a href="#">0180-13</a>	Planning Code - Mission Alcoholic Beverage Special Use District and Valencia Street Neighborhood Commercial Transit District
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