

[Planning Code - Relocation and Re-establishment of Liquor Establishments]

**Ordinance amending the Planning Code to principally permit the relocation of Bar Uses with Alcohol Beverage Control licenses as of May 19, 2003, within the Third Street Alcohol Restricted Use District (RUD) and the Bayview Neighborhood Commercial District (NCD); allow establishments with Alcohol Beverage Control licenses as of May 19, 2003, to re-establish the use under the existing license within the RUD and NCD; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.**

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
**Additions to Codes** are in *single-underline italics Times New Roman font*.  
**Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.  
**Board amendment additions** are in double-underlined Arial font.  
**Board amendment deletions** are in ~~Arial font~~.  
**Asterisks (\* \* \* \*)** indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Environmental and Land Use Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 260180 and is incorporated herein by reference. The Board of Supervisors affirms this determination.

1 (b) On June 18, 2026, the Planning Commission, in Resolution No. 21922, adopted  
2 findings that the actions contemplated in this ordinance are consistent, on balance, with the  
3 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board of  
4 Supervisors adopts these findings as its own. A copy of said Resolution is on file with the  
5 Clerk of the Board of Supervisors in File No. 260180, and is incorporated herein by reference.

6 (c) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this  
7 ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in  
8 Planning Commission Resolution No. 21922, and incorporates such reasons by this reference  
9 thereto.

10 Section 2. Articles 2 and 7 of the Planning Code are hereby amended by revising  
11 Sections 249.62 and 737, to read as follows:

12 **SEC. 249.62. THIRD STREET ALCOHOL RESTRICTED USE DISTRICT.**

13 \* \* \* \*

14 (a) In order to preserve the residential character and the neighborhood-serving  
15 commercial uses of the area, the Third Street Alcohol Restricted Use District ("Third Street  
16 Alcohol RUD") is hereby established for the property in the area generally bounded by Islais  
17 Creek to the north, Quint Street, Phelps Street, Tampa Street, Bridgeview Drive, Newhall  
18 Street, Venus Street, and Egbert Avenue to the west, US Highway 101 to the south, and  
19 Mendell Street, La Salle Avenue, Keith Street, Palou Street, Jennings Street, and Ingalls  
20 Street to the east, as designated on Sectional Map Numbers 8 and 10. The following controls  
21 shall apply within the Third Street Alcohol RUD.

22 (1) No new On-sale or Off-sale Liquor Establishment shall be permitted in the  
23 Third Street Alcohol RUD.

24 (2) The prohibition on new Liquor Establishments in subsection (a)(1) shall not  
25 be interpreted to prohibit the following:

1 (A) Temporary uses, as described in Planning Code Sections 205.1  
2 or 205.3;

3 (B) Establishment of a Liquor Establishment if application for such  
4 Liquor Establishment ~~is~~ was on file with the California Department of Alcoholic Beverage  
5 Control ("ABC") prior to the effective date of Ordinance No. 67-03 establishing the Third Street  
6 Alcohol RUD (May 19, 2003);

7 (C) Sales of wine and brandy pursuant to an ABC License Type 2;

8 (D) Sales and manufacturing of beer pursuant to an ABC License  
9 Type 23-; or

10 (E) Establishment of an Oen-sale Liquor Establishment with an ABC  
11 License Type 42 within the Bayview Neighborhood Commercial District, pursuant to a  
12 Ceonditional Use authorization as provided in Section 303.

13 (3) **Continuation of Pre-eExisting Prohibited Liquor Establishments.** In the  
14 Third Street Alcohol RUD, any Prohibited Pre-existing Liquor Establishment may continue in  
15 accordance with Planning Code Section 180 through 186.2, subject to the following  
16 provisions.

17 (A) A Prohibited Pre-existing Liquor Establishment lawfully existing and  
18 selling alcoholic beverages as licensed by the State of California prior to the effective date of  
19 this legislation Ordinance No. 67-03 establishing the Third Street Alcohol RUD (May 19, 2003), or  
20 subsequent legislation prohibiting that type of Liquor Establishment, so long as otherwise  
21 lawful, may continue to operate only under the following conditions, as provided by California  
22 Business and Professions Code Section 23790:

23 (i) Except as provided by Subsection (B) below, the premises  
24 shall retain the same type of retail liquor license within a license classification; and  
25

(ii) Except as provided by Subsection (B) below, the licensed premises shall be operated continuously, without substantial change in mode or character of operation.

(B) A break in continuous operation shall not be interpreted to include the following, provided that the location of the establishment does not change, the square footage used for the sale of alcoholic beverages does not increase, and the type of ~~California Department of Alcoholic Beverage Control Liquor~~ ABC License (~~"ABC" License~~) does not change, except as indicated:

(i) A change in ownership of a ~~Prohibited~~ Pre-existing Liquor Establishment or an owner-to-owner transfer of an ABC License;

(ii) Re-establishment, restoration, or repair of a ~~an~~ Pre-existing ~~Prohibited~~ Liquor Establishment on the same lot after total or partial destruction or damage due to fire, riot, insurrection, toxic accident, or act of God;

(iii) Temporary closure of a ~~an~~ Pre-existing ~~Prohibited~~ Liquor Establishment for not more than ~~ninety~~ (90) days for repair, renovation, or remodeling;

(iv) Re-establishment of a Pre-existing Liquor Establishment under its existing ABC License issued prior to May 19, 2003, after a full or partial closure of not more than 10 years;

(iv) Re-location of a Pre-existing Prohibited Liquor Establishment in the Third Street Alcohol RUD to another location within the same Third Street Alcohol RUD; provided that a relocating Pre-existing Liquor Establishment other than a Bar Use shall obtain a with Conditional Use authorization from the City Planning Commission, and a relocating Pre-existing Liquor Establishment that is a Bar Use shall be principally permitted; and provided further that the original premises shall not be occupied by a Pre-existing-Prohibited

1 Liquor Establishment, unless by another *Pre-existing Prohibited* Liquor Establishment that is  
2 also relocating from within the Third Street Alcohol RUD; or

3 (~~vi~~) A change from a Type 21 (off-sale) to a Type 20 (off-sale  
4 beer and wine) license or a change from any *Alcohol Beverage Control Board ABC* License type  
5 to a Type 41 (on-sale beer and wine - eating place).

6 (b) The following shall apply to all *Liquor Establishments* in the Third Street Alcohol  
7 RUD in order to maintain the safety of the premises and vicinity:

8 (1) Liquor *Establishments* shall provide outside lighting in a manner sufficient  
9 to illuminate street and sidewalk areas and adjacent parking, as appropriate to maintain  
10 security, without disturbing area residences; and

11 (2) No more than 33% ~~percent~~ of the square footage of the windows and clear  
12 doors of Liquor *Establishments* shall bear advertising or signage of any sort, and all  
13 advertising and signage shall be placed and maintained in a manner that ensures that law  
14 enforcement personnel have a clear and unobstructed view of the interior of the premises,  
15 including the area in which the cash registers are maintained, from the exterior public  
16 sidewalk or entrance to the premises. This requirement shall not apply to premises where  
17 there are no windows, or where existing windows are located at a height that precludes a view  
18 of the interior of the premises to a person standing outside the premises.

19 (c) Definitions.

20 "Liquor *Establishment*" shall mean any enterprise selling alcoholic beverages, as  
21 defined by California Business and Professions Code Section 23004 and 23025, pursuant to a  
22 California Alcoholic Beverage Control Board license.

23 "Off-sale *Liquor Establishment*" shall mean any Liquor Store use as defined in  
24 Section 102 of this Code.

“On-sale Liquor Establishment” shall mean any Liquor Establishment which has obtained ~~Alcoholic Beverage Control Board~~ ABC License type 40 (on-sale beer), type 42 (on-sale beer and wine public premises), type 48 (on-sale general-public premises), or type 57 (special on-sale general) selling alcoholic beverages for consumption on the premises. Typical on-sale establishments may include but are not limited to bars serving alcoholic beverages. It shall not include ABC License types 41, 47, 51, 52, 59, 60, 61, 67, 70 or 75.

“~~Prohibited~~ Pre-existing Liquor Establishment” shall mean any establishment selling alcoholic beverages lawfully existing prior to the effective date of the establishment of the Third Street Alcohol RUD (May 19, 2003) and licensed by the State of California for the retail sale of alcoholic beverages for on- or off-site consumption, so long as otherwise lawful.

\* \* \* \*

#### SEC. 737. BAYVIEW NEIGHBORHOOD COMMERCIAL DISTRICT.

\* \* \* \*

#### Table 737. BAYVIEW NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

\* \* \* \*

| Zoning Category                    | § References                   | Controls          |     |      |
|------------------------------------|--------------------------------|-------------------|-----|------|
| NON-RESIDENTIAL STANDARDS AND USES |                                |                   |     |      |
| * * * *                            |                                |                   |     |      |
| NON-RESIDENTIAL USES               |                                | Controls by Story |     |      |
|                                    |                                | 1st               | 2nd | 3rd+ |
| * * * *                            |                                |                   |     |      |
| Sales and Service Use Category     |                                |                   |     |      |
| Retail Sales and Service Uses*     | §§ 102, 202.2(a), 202.3, 202.5 | P                 | P   | P    |

|              |                          |                |                |    |
|--------------|--------------------------|----------------|----------------|----|
| * * * *      |                          |                |                |    |
| Bar          | §§ 102, 202.2(a), 249.62 | NP(7)          | NP(7)          | NP |
| * * * *      |                          |                |                |    |
| Liquor Store | §§ 102; <u>249.62</u>    | NP( <u>7</u> ) | NP( <u>7</u> ) | NP |
| * * * *      |                          |                |                |    |

\* \* \* \*

(7) THIRD STREET ALCOHOL RESTRICTED USE DISTRICT (Section 249.62). C for Bars with ABC License Type 42. Re-establishments under Section 249.62(a)(3)(B)(iv): P. Relocations under Section 249.62(a)(3)(B)(v): C; except P for Bars regardless of ABC License Type.

Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

Section 4. Effective Date. This ordinance shall become effective at on the 31st day after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within 10 days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

APPROVED AS TO FORM:  
DAVID CHIU, City Attorney

By: /s/ HEATHER GOODMAN  
HEATHER GOODMAN  
Deputy City Attorney

4929-2268-0231, v. 3



**City and County of San Francisco**  
**Tails**  
**Ordinance**

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

**File Number:** 260180

**Date Passed:** July 14, 2026

Ordinance amending the Planning Code to principally permit the relocation of Bar Uses with Alcohol Beverage Control licenses as of May 19, 2003, within the Third Street Alcohol Restricted Use District (RUD) and the Bayview Neighborhood Commercial District (NCD); allow establishments with Alcohol Beverage Control licenses as of May 19, 2003, to re-establish the use under the existing license within the RUD and NCD; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

June 29, 2026 Land Use and Transportation Committee - RECOMMENDED

July 07, 2026 Board of Supervisors - PASSED, ON FIRST READING

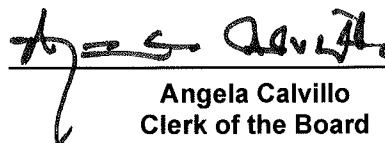
Ayes: 11 - Chan, Chen, Dorsey, Fielder, Mahmood, Mandelman, Melgar, Sauter, Sherrill, Walton and Wong

July 14, 2026 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Chan, Chen, Dorsey, Fielder, Mahmood, Mandelman, Melgar, Sauter, Sherrill, Walton and Wong

File No. 260180

**I hereby certify that the foregoing  
Ordinance was FINALLY PASSED on  
7/14/2026 by the Board of Supervisors of the  
City and County of San Francisco.**

  
Angela Calvillo  
Clerk of the Board

  
Daniel Lurie  
Mayor

7 | 23 | 26  
Date Approved