



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Resolution No. 19084

HEARING DATE FEBRUARY 20, 2014

*Case No.:* 2013.1783T [Board File No. 131121]  
*Project:* Amendments to the Third Street Alcohol Restricted Use District  
*Initiated by:* Supervisor Cohen  
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*Reviewed by:* AnMarie Rodgers, Manager Legislative Affairs  
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*Recommendation:* **Recommend Approval**

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**RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE A PROPOSED ORDINANCE TO AMEND THE THIRD STREET ALCOHOL RESTRICTED USE DISTRICT TO ALLOW ALCOHOL BEVERAGE CONTROL LICENSE TYPE 2, "WINEGROWER" LICENSES; TO MAKE AND ADOPT ENVIRONMENTAL FINDINGS; AND FINDINGS OF CONSISTENCY WITH THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1 AND THE GENERAL PLAN.**

WHEREAS, on November 19, 2013, Supervisor Cohen introduced an Ordinance under Board of Supervisors (hereinafter "Board") File Number 131121 for a Planning Code Amendment to amend the Third Street Alcohol Restricted Use District (hereinafter Third Street Alcohol RUD), to allow Alcoholic Beverage Control (hereinafter ABC) Type 2, "Winegrower" licenses; and

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on February 20, 2014; and

WHEREAS, the Ordinance was determined not to be a project per State CEQA Guidelines, Section 15060(c)(2); and

WHEREAS, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented by Department staff and other interested parties; and

WHEREAS, the Commission has reviewed the proposed Ordinances; and

**MOVED**, that the Commission hereby recommends that the Board of Supervisors *approve the proposed Ordinances* and adopts this Resolution to that effect.

## FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. Winetasting was not specifically evaluated when the controls for the Third Street Alcohol RUD was originally adopted.
  2. Given limits placed on wine tasting by both ABC and the Zoning Administrator's interpretation, the Commission finds that the change proposed in this Ordinance is very minor and that it would not increase or exacerbate any of the issues that the RUD is intended to address.
  3. The proposed Ordinance would allow persons with a winegrower's license to sell their product within the Third Street Corridor, enhancing and preserving the neighborhood's economic base.
  4. San Francisco is fortunate to have many world class wineries within close proximity of its borders. This Ordinance will encourage sale of locally produced products with San Francisco and add to the Bay Area's regional economy.
1. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

## COMMERCE AND INDUSTRY ELEMENT

### OBJECTIVE 2

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

#### Policy 2.1

Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

*The proposed Ordinance would attract new commercial activity to the Third Street corridor by allowing a new type of commercial enterprise to establish there.*

2. The proposed project is consistent with the eight General Plan priority policies set forth in Section 101 in that:
  - A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

*The proposed Ordinances will enhance neighborhood-serving retail uses by allowing some business to offer winetasting to its customers.*

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

*The proposed Ordinances will not displace existing housing, nor will it have a negative effect on existing neighborhood character.*

- C) The City's supply of affordable housing will be preserved and enhanced:

*The proposed Ordinances will not adversely affect the City's supply of affordable housing.*

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

*The proposed Ordinances would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.*

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

*The proposed Ordinances will not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.*

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*Preparedness against injury and loss of life in an earthquake is unaffected by the proposed Ordinances. Any new construction or alteration associated with a use would be executed in compliance with all applicable construction and safety measures.*

- G) That landmark and historic buildings will be preserved:

*The proposed Ordinance will not have a negative effect on and City Landmarks or historic buildings.*

- H) Parks and open space and their access to sunlight and vistas will be protected from development:

*The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed Ordinances. Any additional development caused by the sale of TDR will also be subject to the City's Proposition K shadow requirements.*

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board APPROVE the proposed Ordinances as described in this Resolution to modify the Third Street Alcohol RUD to allow ABC Licenses Type 2, "Winegrowers" license.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on February 20, 2014.

Jonas P. Ionin  
Commission Secretary

AYES: Commissioners Antonin, Borden, Fong, Hillis, Moore, Sugaya, Wu

NOES: none

ABSENT: none

ADOPTED: February 20, 2014