

1 [Non-profit Theaters – Mission Alcoholic Beverage Special Use Subdistrict]  
2 AMENDING PART II, CHAPTER II OF THE SAN FRANCISCO MUNICIPAL CODE  
3 (PLANNING CODE) BY AMENDING SECTION 781.8 THEREOF TO PERMIT NON-PROFIT  
4 THEATERS TO SERVE ALCOHOLIC BEVERAGES IN THE MISSION ALCOHOLIC  
5 BEVERAGE SPECIAL USE SUBDISTRICT, AND TO DEFINE THE TERM NON-PROFIT  
6 THEATER.

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

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

9 Section 1. Part 2, Chapter 2 of the San Francisco Municipal Code (Planning Code) is  
10 hereby amended by amending Section 781.8, to read as follows:

11 SEC. 781.8. MISSION ALCOHOLIC BEVERAGE SPECIAL USE SUBDISTRICT.

12 There is an unusually large number of establishments dispensing alcoholic beverages,  
13 including beer and wine, for both on-site and off-site consumption in this area. The existence  
14 of this many alcoholic beverage establishments appears to contribute directly to numerous  
15 peace, health, safety and general welfare problems in the area, including loitering, littering,  
16 drug trafficking, prostitution, public drunkenness, defacement and damaging of structures,  
17 pedestrian obstructions, as well as traffic circulation, parking and noise problems on public  
18 streets and neighborhood lots. The existence of such problems creates serious impacts on  
19 the health, safety and welfare of residents of nearby single- and multiple-family areas,  
20 including fear for the safety of children, elderly residents and of visitors to the area. The  
21 problems also contribute to the deterioration of the neighborhood and concomitant  
22 devaluation of property and destruction of community values and quality of life. The number of  
23 establishments selling alcoholic beverages and the associated problems discourage more  
24 desirable and needed commercial uses in the area. In order to preserve the residential  
25 character and the neighborhood-serving commercial uses of the area, there shall be a Mission

1 Alcoholic Beverage Special Use Subdistrict to prohibit new establishments, or expansion of  
2 existing establishments, selling alcoholic beverages for the property in the area generally  
3 bounded by Guerrero Street, San Jose Avenue, Randall Street, Mission Street, Cesar Chavez  
4 Street, Potrero Avenue and Fourteenth Street as designated on Sectional Map Numbers 7SU  
5 and 8SU.

6 The following restrictions shall apply within such district:

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

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

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

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

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

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

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

21 (d) Exception for Non-Profit Theaters. A non-profit theater shall be permitted to serve  
22 alcoholic beverages in this special use district. A "non-profit theater" shall mean a building or  
23 part of a building intended to be used for the specific purposes of presenting any act, play,  
24 revue, pantomime, scene, song, dance act, or song and dance act, conducted or participated  
25 in by one or more persons, whether or not such person or persons are compensated for such

1 performance, and which is exempted from payment of income tax under Section 23701d of  
2 the California Revenue and Taxation Code and Section 501(c)(3) of the Internal Revenue  
3 Code of the United States. A "non-profit theater" does not include any dance hall as defined  
4 in Section 1060 of the San Francisco Police Code, billiard parlor, pool hall, bowling alley, or  
5 adult entertainment business as defined in Planning Code Section 790.36.

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7 APPROVED AS TO FORM:

8 LOUISE H. RENNE, City Attorney

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10 By:   
11 Deputy City Attorney

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SUPERVISOR BECERRIL  
BOARD OF SUPERVISORS



# City and County of San Francisco

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

## Tails

## Ordinance

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**File Number:** 000744

**Date Passed:**

Ordinance amending Part II, Chapter II of the San Francisco Municipal Code (Planning Code) by amending Section 781.8 to permit non-profit theaters to serve alcohol beverages in the Mission Alcoholic Beverage Special Use Subdistrict, and to define the term Non-Profit Theater.

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July 10, 2000 Board of Supervisors — PASSED, ON FIRST READING

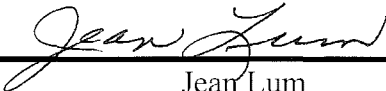
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

July 17, 2000 Board of Supervisors — FINALLY PASSED

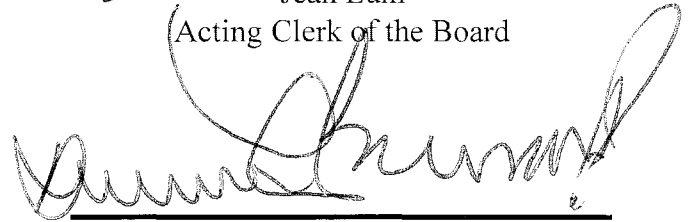
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

File No. 000744

I hereby certify that the foregoing Ordinance  
was **FINALLY PASSED** on July 17, 2000 by  
the Board of Supervisors of the City and  
County of San Francisco.

  
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Jean Lum  
Acting Clerk of the Board

JUL 28 2000  
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Date Approved

  
\_\_\_\_\_  
Mayor Willie L. Brown Jr.