

LEGISLATIVE DIGEST

[Planning Code - Definition of Bona Fide Eating Place]

Ordinance amending the Planning Code to expand the definition of “bona fide eating place” to include a definition based on food sales per occupant and exempting certain bona fide eating places from the definition of “bar”; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

The Planning Code currently contains definitions of both “bone fide eating place at Section 790.142 and “bar” at Section 790.22.

Amendments to Current Law

The proposed legislation would amend the definition of Bona Fide Eating Place to require that such uses obtain significant revenue from the sale of food and non-alcoholic beverages. “Significant revenue” means either at least 51 percent of the restaurant’s gross receipts must be from food and non-alcoholic beverages or the annual gross food and non-alcoholic beverage sales must be at least \$4,200 per occupant based on the premises’ maximum occupant load.

The proposed legislation also exempts Bona Fide Eating Places with an Alcoholic Beverage Control license type 47 from the definition of “bar.”