

1 [Planning Code - Alcoholic Beverages in ~~Bowling Alleys~~ in the Mission Alcoholic Beverage
2 Special Use Subdistrict]

3 **Ordinance amending the San Francisco Planning Code Section ~~781.8-249.60~~ to: 1)**
4 **permit bowling alleys and single screen theatres in the Mission Alcoholic Beverage**
5 **Special Use Subdistrict to serve alcoholic beverages; and 2) making environmental**
6 **findings, Planning Code Section 302 findings, and findings of consistency with the**
7 **General Plan and the Priority Policies of Planning Code Section 101.1.**

8 NOTE: Additions are *single-underline italics Times New Roman*;
9 deletions are ~~*strike-through italics Times New Roman*~~.
10 Board amendment additions are double-underlined;
11 Board amendment deletions are ~~strike-through normal~~.

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

13 Section 1. Findings.

14 (a) The Planning Department has determined that the actions contemplated in this
15 ordinance comply with the California Environmental Quality Act (California Public Resources
16 Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of
17 Supervisors in File No. 110767 and is incorporated herein by reference.

18 (b) Pursuant to Planning Code Section 302, this Board finds that these Planning Code
19 amendments will serve the public necessity, convenience, and welfare for the reasons set
20 forth in Planning Commission Resolution No. 18446 and the Board incorporates such reasons
21 herein by reference. A copy of Planning Commission Resolution No. 18446 is on file with the
22 Board of Supervisors in File No. 110767.

23 (c) This Board finds that these Planning Code amendments are consistent with the
24 General Plan and with the Priority Policies of Planning Code Section 101.1 for the reasons set
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1 forth in Planning Commission Resolution No. 18446 and the Board hereby incorporates such
2 reasons herein by reference.

3 Section 2. The San Francisco Planning Code is hereby amended by amending Section
4 ~~781.8~~ 249.60, to read as follows:

5 **SEC. ~~781.8~~ 249.60. MISSION ALCOHOLIC BEVERAGE SPECIAL USE**
6 **SUBDISTRICT.**

7 There is an unusually large number of establishments dispensing alcoholic beverages,
8 including beer and wine, for both on-site and off-site consumption in this area. The existence
9 of this many alcoholic beverage establishments appears to contribute directly to numerous
10 peace, health, safety and general welfare problems in the area, including loitering, littering,
11 drug trafficking, prostitution, public drunkenness, defacement and damaging of structures,
12 pedestrian obstructions, as well as traffic circulation, parking and noise problems on public
13 streets and neighborhood lots. The existence of such problems creates serious impacts on
14 the health, safety and welfare of residents of nearby single- and multiple-family areas,
15 including fear for the safety of children, elderly residents and of visitors to the area. The
16 problems also contribute to the deterioration of the neighborhood and concomitant
17 devaluation of property and destruction of community values and quality of life. The number
18 of establishments selling alcoholic beverages and the associated problems discourage more
19 desirable and needed commercial uses in the area. In order to preserve the residential
20 character and the neighborhood-serving commercial uses of the area, there shall be a Mission
21 Alcoholic Beverage Special Use Subdistrict to prohibit new establishments, or expansion of
22 existing establishments, selling alcoholic beverages for the property in the area generally
23 bounded by Guerrero Street, San Jose Avenue, Randall Street, Mission Street, Cesar Chavez
24 Street, Potrero Avenue and Fourteenth Street as designated on Sectional Map Numbers 7SU
25 and 8SU.

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The following restrictions shall apply within such district:

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

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

(2) No new off-sale liquor establishment shall be permitted in the special use district. An "off-sale liquor establishment" shall mean any establishment that is defined in Section 790.55 of this Code.

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

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

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

(c) **Exceptions.** ~~for~~

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

12 ~~(d)~~ (2) Exception for Non-Profit Theaters. A non-profit theater shall be permitted to
13 serve alcoholic beverages in this special use district. A "non-profit theater" shall mean a
14 building or part of a building intended to be used for the specific purposes of presenting any
15 act, play, revue, pantomime, scene, song, dance act, or song and dance act, conducted or
16 participated in by one or more persons, whether or not such person or persons are
17 compensated for such performance, and which is exempted from payment of income tax
18 under Section 23701d of the California Revenue and Taxation Code and Section 501(c)(3) of
19 the Internal Revenue Code of the United States. A "non-profit theater" does not include any
20 dance hall as defined in Section 1060 of the San Francisco Police Code, billiard parlor, pool
21 hall, bowling alley, or adult entertainment business as defined in Planning Code Section
22 790.36.

23 (3) Bowling Alleys. A bowling alley shall be permitted to serve alcoholic beverages along with
24 any full-service restaurant, large fast-food restaurant, or small self-service restaurant which is
25 functionally and/or physically integrated with such bowling alley.

1 (4) **Single Screen Movie Theatres.** A single screen movie theatre shall be permitted
2 to serve alcoholic beverages, provided that (1) such use is defined as a movie theater in
3 Planning Code Section 790.64 and contains only a single screen and auditorium, (2) only beer
4 and wine are offered for consumption, and (3) such beer and wine are: (i) only consumed on
5 the premises and primarily in the main theater auditorium, (ii) only sold to and consumed by
6 ticketholders and only immediately before and during performances, and (iii) only offered in
7 conjunction with the screening of films and not as an independent element of the
8 establishment that is unrelated to the viewing of films.

9 ~~(e)~~ (d) **Fringe Financial Services.** In addition to all other applicable controls set forth
10 in this Code, properties in the Mission Alcoholic Beverage Special Use Subdistrict are within
11 the Fringe Financial Service Restricted Use District established by Section 249.35 and are
12 subject to the controls and exemptions set forth in Section 249.35.

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14 Section 3. Effective Date. This ordinance shall become effective 30 days from the
15 date of passage.

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17 APPROVED AS TO FORM:
18 DENNIS J. HERRERA, City Attorney

19 By: _____
20 KATE HERRMANN STACY
21 Deputy City Attorney