

[Planning Code – Amending the Mission Alcoholic Beverage Special Use District]

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**Ordinance amending the Planning Code to amend the Mission Alcoholic Beverage Special Use District to allow mini-golf courses functionally and/or physically integrated with a restaurant use to obtain liquor licenses; and making environmental findings, Section 302 findings, and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.**

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 ~~strikethrough 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. 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. 140236 and is incorporated herein by reference.

(b) Pursuant to Planning Code Section 302, this Board finds that this Planning Code amendment will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 19158 and the Board incorporates such reasons herein by reference. A copy of Planning Commission Resolution No. 19158 is on file with the Clerk of the Board of Supervisors in File No. 140236.

1 (c) On May 22, 2014, the Planning Commission, in Resolution No. 19158, 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  
4 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the  
5 Board of Supervisors in File No.140236, and is incorporated herein by reference.

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7 Section 2. The Planning Code is hereby amended by revising Section 249.60, to read  
8 as follows:

9 **SEC. 249.60. MISSION ALCOHOLIC BEVERAGE SPECIAL USE DISTRICT.**

10 The Mission Alcoholic Beverage Special Use District (SUD) applies to the area  
11 generally bounded by Guerrero Street, San Jose Avenue, Randall Street, Mission Street,  
12 Cesar Chavez Street, Potrero Avenue and Fourteenth Street, as designated on Sectional  
13 Maps 7SU and 8SU of the Zoning Map of the City and County of San Francisco. The controls  
14 apply only within the boundaries of the SUD. There is a large number of establishments  
15 dispensing alcoholic beverages, including beer and wine, for both on-site and off-site  
16 consumption in this area. Bars and Restaurants are concentrated on the commercial corridors  
17 of Valencia Street, Mission Street, and 24th Street. Liquor Stores selling off-site liquor are  
18 distributed throughout this area. This concentration of alcoholic beverage establishments has  
19 contributed to numerous peace, health, safety and general welfare problems in the area.

20 The SUD, which has been in effect since 1987, was established to prohibit new  
21 establishments, or expansion of existing establishments, selling alcoholic beverages within  
22 the area and prohibited the transfer of liquor licenses. This has resulted in a freezing of  
23 entitlements that have less rigorous required operating conditions than are required today.  
24 While a net increase in Liquor Stores will continue to be prohibited, the transfer of a liquor  
25 license is permissible if the operating conditions currently in effect in the City and County of

1 San Francisco are imposed on the transferee. The area would also benefit from new Grocery  
2 Stores of any size that may incidentally sell alcoholic beverages.

3 The following restrictions shall apply within such district:

4 (a) Prohibition of New Liquor Stores. No new Liquor Store, as defined in Section  
5 790.55 of this Code, shall be permitted in the SUD, except that an existing Liquor Store may  
6 relocate pursuant to subsection (d) below.

7 (b) Allowed Alcohol-related Uses. Certain uses which are not likely to generate  
8 negative impacts on the surrounding area shall be allowed within the SUD as set forth below:

9 (1) The following uses shall be eligible for liquor licenses transferred from within  
10 the SUD as well as licenses transferred from outside the SUD:

11 (A) Bona Fide Eating Places. A Restaurant Use, as defined in Section 790.91 of  
12 this Code, operating as a Bona Fide Eating Place, as defined in Section 790.142, shall be  
13 permitted to serve alcoholic beverages in this SUD.

14 (B) Non-Profit Theaters. A non-profit theater shall be permitted to serve  
15 alcoholic beverages in this SUD. A "non-profit theater" shall mean a building or part of a  
16 building intended to be used for the specific purposes of presenting any act, play, revue,  
17 pantomime, scene, song, dance act, or song and dance act, conducted or participated in by  
18 one or more persons, whether or not such person or persons are compensated for such  
19 performance, and which is exempted from payment of income tax under Section 23701d of  
20 the California Revenue and Taxation Code and Section 501(c)(3) of the Internal Revenue  
21 Code of the United States. A "non-profit theater" shall not include any dance hall, as defined  
22 in Section 1022 of the San Francisco Police Code, a billiard parlor, pool hall, bowling alley, or  
23 adult entertainment business as defined in Section 790.36 of this Code.

24 (C) Bowling Alleys and Mini-Golf Courses. A bowling alley or a mini-golf course  
25 shall be permitted to serve alcoholic beverages along with any Restaurant use which is

1 functionally and/or physically integrated with such bowling alley *or mini-golf course*. Other  
2 Entertainment uses, as defined in Section 790.38, but excluding those uses that require a  
3 Place of Entertainment permit, shall be permitted to serve alcoholic beverages along with any  
4 Restaurant use which is functionally and/or physically integrated with such Other  
5 Entertainment use.

6 (D) Single Screen Movie Theaters. A single screen movie theater shall be  
7 permitted to serve alcoholic beverages, provided that (i) such use is defined as a movie  
8 theater in Section 790.64 of this Code and contains only a single screen and auditorium, (ii)  
9 only beer and wine are offered for consumption, and (iii) such beer and wine are: (aa) only  
10 consumed on the premises and primarily in the main theater auditorium, (bb) only sold and  
11 consumed by ticketholders and only immediately before and during performances, and (cc)  
12 only offered in conjunction with the screening of films and not as an independent element of  
13 the establishment that is unrelated to the viewing of films.

14 (2) The following uses shall be eligible for liquor licenses transferred from within  
15 the district:

16 (A) General Groceries as defined in Section 790.102 (a) of this Code or  
17 Specialty Groceries, as defined in Section 790.102 (b) that are 5,000 square feet or smaller so  
18 long as the percentage of gross square footage devoted to alcohol sales is consistent with the  
19 limits set forth in Section 703.2(b)(1)(C)(vi). Such use shall require a Conditional Use  
20 authorization and shall be limited to a Type 20 Liquor License for Specialty Groceries and  
21 General Groceries, except that such use shall not sell a single beer or malt beverage in a  
22 container size of 24 oz. or smaller, or sell any malt beverage with an alcohol content greater  
23 than 5.7% by volume; or any wine in a container size less than 375 ml or with an alcohol  
24 content of greater than 15% by volume, except for "dinner wines" that have been aged two  
25 years or more and maintained in a corked bottle.

1 (B) General Groceries as defined in Section 790.102 (a) of this Code or  
2 Specialty Groceries, as defined in Section 790.102 (b) that are greater than 5,000 square feet.  
3 Such use shall require a Conditional Use authorization and shall be subject to the limitations  
4 set forth in Section 790.55 of this Code.

5 (C) A new or relocated Bar, as defined in Section 790.22, shall be considered  
6 pursuant to the underlying zoning, except that such authorization shall be as a Conditional  
7 Use. A new Bar shall use a liquor license transferred from another Bar from within the SUD.

8 (c) Existing Liquor Establishments. For purposes of this subsection, "liquor  
9 establishment" shall mean any establishment licensed by the State of California to sell  
10 alcoholic beverages except for those uses listed in subsection (b)(1)-(2) above. Any liquor  
11 establishment lawfully existing prior to the effective date of this Ordinance No. 180-13 and  
12 licensed by the State of California for the retail sale of alcoholic beverages, so long as  
13 otherwise lawful, is considered a nonconforming use pursuant to Section 180 , and is subject  
14 to the restrictions of Sections 181 and 183 with the following exceptions:

15 (1) Renovation and Repair. Temporary closure of an existing liquor establishment  
16 for not more than 120 days for repair, renovation or remodeling is allowed so long as such  
17 repair, renovation, or remodeling brings the existing use into closer conformity with the  
18 controls of this SUD, with the underlying zoning, or with urban design principles found  
19 elsewhere in this Code for active ground floor commercial spaces.

20 (2) Relocation. Relocation of an existing liquor establishment in this SUD to  
21 another location within this SUD may be allowed with Conditional Use authorization from the  
22 Planning Commission.

23 (3) Expansion. An existing liquor establishment may expand its use with  
24 Conditional Use authorization from the Planning Commission. In reviewing the application for  
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1 such expansion, the Commission shall consider the establishment's prior operating  
2 conditions.

3 (d) Good Neighbor Policies. The operating conditions established in Section 703.5  
4 of this Code shall apply to all liquor establishments in this SUD in order to maintain the safety  
5 and cleanliness of the premises and vicinity. In addition, all new, relocated, or expanded liquor  
6 establishments, and any liquor establishment with a license referred for review to the Planning  
7 Department by the State of California Department of Alcohol Beverage Control, shall comply  
8 with the requirements set forth below. Liquor establishment shall have the meaning set forth in  
9 subsection (c) above.

10 (1) The liquor establishment shall provide outside lighting in a manner sufficient to  
11 illuminate street and sidewalk areas and any adjacent parking, as appropriate to maintain  
12 security, without disturbing area residences.

13 (2) No more than 33 percent of the square footage of the windows and clear doors  
14 of the liquor establishment shall bear advertising or signage of any sort, and all advertising  
15 and signage shall be placed and maintained in a manner than ensures that law enforcement  
16 personnel have a clear and unobstructed view of the interior of the premises from the exterior  
17 public sidewalk or entrance to the premises. This requirement shall not apply to premises  
18 where there are no windows, or where existing windows are located at a height that precludes  
19 a view of the interior of the premises to a person standing outside the premises. Street facing  
20 facades shall maintain at least 50 percent clear and visually-permeable glazing.

21 For any use authorized pursuant to a Conditional Use authorization after the  
22 effective date of Ordinance No. \_\_\_\_\_ repeated violations of the Good Neighbor Policies set  
23 forth in this Section, of the operating conditions set forth in Section 703.5 of this Code, or of  
24 any conditions associated with a Condition of Approval shall require a hearing at the Planning  
25 Commission to consider revocation of the Conditional Use authorization.

1 (e) Fringe Financial Services. In addition to all other applicable controls set forth in  
2 this Code, properties in the Mission Alcoholic Beverage Special Use Subdistrict are within the  
3 Fringe Financial Service Restricted Use District established by Section 249.35 and are subject  
4 o the controls and exemptions set forth in Section 249.35.

5 Section 3. Effective Date. This ordinance shall become effective 30 days after  
6 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
7 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
8 of Supervisors overrides the Mayor's veto of the ordinance.

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10 APPROVED AS TO FORM:  
11 DENNIS J. HERRERA, City Attorney

12 By: \_\_\_\_\_  
13 ANDREA RUIZ-ESQUIDE  
14 Deputy City Attorney

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