

BOARD of SUPERVISORS



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## MEMORANDUM

LAND USE AND TRANSPORTATION COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Myrna Melgar, Chair  
Land Use and Transportation Committee

FROM: John Carroll, Assistant Clerk

DATE: February 10, 2026

SUBJECT **COMMITTEE REPORT, BOARD MEETING**  
Tuesday, February 10, 2026

The following file should be presented as COMMITTEE REPORT during the Board meeting on Tuesday, February 10 2026. This ordinance was acted upon during the Land Use and Transportation Committee meeting on Monday, February 9, 2026, at 1:30 p.m., by the votes indicated.

**BOS Item No. 31**

**File No. 251103**

### **[Planning Code - Alcohol Sales in Movie Theaters]**

Ordinance amending the Planning Code to authorize Movie Theaters that also operate as Bona Fide Eating Places to offer entertainment, cultural, artistic, dramatic, musical, or leisure activities, performances or exhibitions, and permit on-site wine, beer, and/or liquor, and make conforming changes in the Planning Code definitions of Bar and Bona Fide Eating Place uses; permitting certain Movie Theaters in the Upper Fillmore Neighborhood Commercial District to sell wine and/or beer without being subject to non-residential use size limits otherwise applicable in the District; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

### RECOMMENDED AS A COMMITTEE REPORT

Vote: Supervisor Myrna Melgar – Aye  
Supervisor Chyanne Chen – Aye  
Supervisor Bilal Mahmood – Aye

Cc: Board of Supervisors  
Angela Calvillo, Clerk of the Board  
Alisa Somera, Legislative Deputy  
Brad Russi, Deputy City Attorney

File No. 251103

Committee Item No. 1

Board Item No. 31

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date: February 9, 2026

Board of Supervisors Meeting:

Date: February 10, 2026

#### Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance - VERSION 2                        |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest - VERSION 2               |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract / DRAFT Mills Act Agreement         |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER

- |                                     |                                     |   |
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Planning Commission Transmittal – January 21, 2026</u>       |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>SBC Response Memo – December 10, 2025</u>                    |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>CEQA Determination – November 14, 2025</u>                   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Chair’s Committee Report Request Memo – February 5, 2026</u> |
| <input type="checkbox"/>            | <input type="checkbox"/>            | <u>_____</u>  |
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| <input type="checkbox"/>            | <input type="checkbox"/>            | <u>_____</u>  |

Prepared by: John Carroll

Date: February 5, 2026

Prepared by: John Carroll

Date: February 10, 2026

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Planning Code - Alcohol Sales in Movie Theaters]

2

3 **Ordinance amending the Planning Code to authorize Movie Theaters that also operate**  
4 **as Bona Fide Eating Places to offer entertainment, cultural, artistic, dramatic, musical,**  
5 **or leisure activities, performances or exhibitions, and permit on-site wine, beer, and/or**  
6 **liquor sales in ~~Movie Theaters that also operate as Bona Fide Eating Places,~~ and make**  
7 **conforming changes in the Planning Code definitions of Bar and Bona Fide Eating**  
8 **Place uses; permitting certain Movie Theaters in the Upper Fillmore Neighborhood**  
9 **Commercial District to sell wine and/or beer and ~~offer entertainment, cultural, artistic,~~**  
10 **~~dramatic, musical, or leisure activities, performances, or exhibitions~~ without being**  
11 **subject to non-residential use size limits otherwise applicable in the District; affirming**  
12 **the Planning Department’s determination under the California Environmental Quality**  
13 **Act; and making findings of consistency with the General Plan and the eight priority**  
14 **policies of Planning Code, Section 101.1; and making findings of public necessity,**  
15 **convenience, and welfare pursuant to Planning Code, Section 302.**

16

17 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
18 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
19 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
20 **Board amendment additions** are in double-underlined Arial font.  
21 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
22 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
23 subsections or parts of tables.

21

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

23

24 Section 1. General Findings.

25

1 (a) Movie Theaters serve as community cornerstones and gathering spaces for the  
2 arts, and in recent years, their operations have been threatened by shifting streaming habits,  
3 the COVID-19 pandemic, and more. The theaters hit hardest by these tough economic  
4 conditions are small, single-screen, and historic theaters throughout the city and state, many  
5 of which were small businesses and have been forced to close.

6 (b) It is imperative that the City and County of San Francisco do all that we can to keep  
7 these small neighborhood theaters in business by supporting their profitability and delivering  
8 clear, transparent, and efficient permitting processes for any necessary restoration work. This  
9 ordinance helps support the neighborhood theater operations by allowing them to provide on-  
10 site beer, wine, and/or liquor sales for drinking on the premises, enabling them to more easily  
11 generate added revenue from these sales.

12 (c) Critically, this ordinance continues to require these theaters to obtain an ABC  
13 license and does not affect any businesses governed by Alcohol Restricted Use Districts  
14 where controls exist to protect the health, safety, and welfare of these neighborhoods.

15 (d) By enacting this ordinance, San Francisco helps make it easier for small movie  
16 theater businesses to continue to serve their local communities and the arts.

17  
18 Section 2. Environmental Findings.

19 (a) The Planning Department has determined that the actions contemplated in this  
20 ordinance comply with the California Environmental Quality Act (California Public Resources  
21 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
22 Supervisors in File No. 251103 and is incorporated herein by reference. The Board affirms  
23 this determination.

24 (b) On January 15, 2026, the Planning Commission, in Resolution No. 21880, adopted  
25 findings that the actions contemplated in this ordinance are consistent, on balance, with the

1 City’s General Plan and eight priority policies of Planning Code Section 101.1. The Board  
2 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the  
3 Board of Supervisors in File No. 251103, and is incorporated herein by reference.

4 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning  
5 Code amendments will serve the public necessity, convenience, and welfare for the reasons  
6 set forth in Planning Commission Resolution No.21880 and the Board incorporates such  
7 reasons herein by reference. A copy of Planning Commission Resolution No.21880 is on file  
8 with the Clerk of the Board of Supervisors in File No. 251103.

9  
10 Section 3. Article 1 of the Planning Code is hereby amended by revising Section 102  
11 as follows:

12 **SEC. 102. DEFINITIONS.**

13 \* \* \* \*

14 **Bar.** A Retail Sales and Service Use that provides on-site alcoholic beverage sales for  
15 drinking on the premises, including bars serving beer, wine, and/or liquor to the customer  
16 where no person under 21 years of age is admitted (with Alcoholic Beverage Control [ABC]  
17 license types 23, 42, 48, or 61), drinking establishments serving beer where minors are  
18 present (with ABC license types 40 or 60) in conjunction with other uses such as *Movie*  
19 *Theaters and* General Entertainment, and bars serving wine operated by licensed winegrowers  
20 (with ABC license type 02). Such businesses shall operate with the specified conditions in  
21 Section 202.2(a). A non-profit theater that provides on-site alcoholic beverage sales only for  
22 consumption by ticket-holding patrons on the premises, with ABC license type 64, shall not be  
23 considered a Bar use. A music entertainment facility that is authorized to sell beer, wine, and  
24 distilled spirits at retail for consumption on the premises, with ABC license type 90, shall not  
25 be considered a Bar use.

1 \* \* \* \*

2 ***Bona Fide Eating Place.*** A place that is regularly and in a bona fide manner used and kept  
3 open for the service of meals to guests for compensation and that has suitable kitchen  
4 facilities connected therewith, containing conveniences for cooking of an assortment of foods  
5 that may be required for ordinary meals.

6 \* \* \* \*

7 (c) Actual and substantial sales of meals are required, during the normal days and meal  
8 hours that a bona fide public eating place is open, provided that "normal days of operation"  
9 shall mean a minimum of five days a week and "normal hours" of operation for meal service  
10 shall mean approximately 7:00 a.m. to 11:00 a.m. if open for breakfast; 11:00 a.m. to 2:00  
11 p.m. if open for lunch; or 5:00 p.m. to 10:00 p.m. if open for dinner.

12 \* \* \* \*

13 (e) The establishment must secure significant revenue from food and non-alcoholic  
14 beverage sales. Significant revenue from food and non-alcoholic beverage sales shall mean  
15 either:

16 (1) A minimum of 51% of the establishment's gross receipts shall be from food sales  
17 prepared and sold to guests on the premises. Records of the establishment's gross receipts  
18 shall be provided to the Department upon request; or

19 (2) Annual gross food and non-alcoholic beverage sales prepared and sold to guests on  
20 the premises of at least \$4,200 per occupant based on the premises' maximum occupant load  
21 as determined and approved by the Fire Department and Department of Building Inspection.  
22 Records of the establishment's gross sales shall be provided to the Department upon request.  
23 The Zoning Administrator may adjust the amount of \$4,200 per occupant each year, provided  
24 that such adjustments are supported by specific financial and economic criteria, including but  
25

1 not limited to a review of the restaurant market, costs, prices, profits, and loses,1 and  
2 recognizing the differences in sizes and types of establishments.

3 \* \* \* \*

4 (h) For a Movie Theater Use that only provides alcoholic beverage sales for on-site consumption  
5 during the normal hours of operation of entertainment activities, paragraphs (c) and (e) do not apply,  
6 but actual and substantial sales of meals are required during the normal hours of operation. For  
7 purposes of this paragraph, the “normal hours of operation” shall include two hours prior to, and one  
8 hour after, entertainment activities.

9 \* \* \* \*

10 **Movie Theater.** A Retail Entertainment, Arts and Recreation Use primarily designed and used  
11 for the presentation of films or motion pictures to an audience, and generally involving: (a) one or  
12 more auditoriums, (b) ~~fixed~~-seating oriented towards a screen, (c) professional projection equipment,  
13 and (d) one or more concession areas. A Movie Theater may additionally offer entertainment,  
14 cultural, artistic, dramatic, musical, or leisure activities, performances, or exhibitions so long  
15 as the premises obtains any necessary authorization from the Entertainment Commission. A  
16 Movie Theater may provide beer, wine, and/or liquor sales for on-site consumption by ticketed  
17 customers, as a minor and incidental use, so long as it operates as a Bona Fide Eating Place as defined  
18 in Section 102 of this Code. ~~that displays motion pictures, videos, slides, or closed-circuit television~~  
19 pictures.—This use does not include an adult theater, which is regulated as an Adult Business.  
20 Removal of a Movie Theater is subject to the controls in Section 202.4.

21 \* \* \* \*

22 Section 4. Article 7 of the Planning Code is hereby amended by revising Section 718  
23 as follows:

24 **SEC. 718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

1 The Upper Fillmore Street Neighborhood Commercial District is situated in the south-  
2 central portion of Pacific Heights. It runs north-south along Fillmore Street from Jackson to  
3 Bush and extends west one block along California and Pine Streets. This medium-scaled,  
4 multi-purpose commercial district provides convenience goods to its immediate neighborhood  
5 as well as comparison shopping goods and services on a specialized basis to a wider trade  
6 area. Commercial businesses are active during both day and evening and include a number  
7 of bars, restaurants, specialty groceries, and specialty clothing stores.

8 The Upper Fillmore District controls are designed to protect the existing building  
9 scale and promote new mixed-use development which is in character with adjacent buildings.  
10 Building standards regulate large lot and use development and protect rear yards above the  
11 ground story and at residential levels. Most commercial uses are permitted at the first two  
12 stories of new buildings. Special controls are designed to preserve the existing equilibrium of  
13 neighborhood-serving convenience and specialty commercial uses. In order to maintain  
14 convenience stores and protect adjacent livability, additional bars (unless part of a restaurant)  
15 and formula retail establishments are prohibited, and financial service uses are limited. In  
16 order to promote continuous retail frontage, drive-up and most automobile uses are  
17 prohibited.

18 Housing development in new buildings is encouraged above the second story.  
19 Existing residential units are protected by limitations on demolitions and upper-story  
20 conversions. Accessory Dwelling Units are permitted within the district pursuant to Section  
21 207.1 of this Code.

22 **Table 718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT**  
23 **ZONING CONTROL TABLE**

		Upper Fillmore Street NCD
--	--	---------------------------

Zoning Category	§ References	Controls		
* * * *				
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
		Controls by Story		
		1st	2nd	3rd+
* * * *				
Entertainment, Arts and Recreation Use Category				
* * * *				
Movie Theater	§§ 102, 202.4	<u>P(2)</u>	<u>P(2)</u>	<u>P(2)</u>

\* \* \* \*

(2) ~~[Note deleted.] A Movie Theater with no fewer than 150 fixed seats oriented toward a screen may additionally offer entertainment, cultural, artistic, dramatic, musical, or leisure activities, performances, or exhibitions so long as the premises (i) obtains any necessary authorization from the Entertainment Commission, and (ii) is primarily designed and used for the presentation of films or motion pictures to an audience. In addition, such a Movie Theater may serve beer and/or wine for on-site consumption by to both ticketed and non-ticketed guests customers as a minor and incidental use with an ABC license Type 41 so long as it operates as a Bona Fide Eating Place as defined in Section 102 of this Code. A Movie Theater that complies with these conditions is not subject to the non-residential use size limits in this Zoning Control Table or in Section 121.2 of this Code.~~

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

5  
6 Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
7 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
8 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
9 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
10 additions, and Board amendment deletions in accordance with the "Note" that appears under  
11 the official title of the ordinance.

12  
13 APPROVED AS TO FORM:  
14 DAVID CHIU, City Attorney

15 By: KRISTEN JENSEN  
16 KRISTEN A. JENSEN  
Deputy City Attorney

17 c:\users\kjensen\nd office echo\vault-oxewzz03\final amendments for introduction 4907-9637-9274 v.1.docx

**REVISED LEGISLATIVE DIGEST**  
*(Amended in Committee – January 26, 2026)*

[Planning Code - Alcohol Sales in Movie Theaters]

**Ordinance amending the Planning Code to authorize Movie Theaters that also operate as Bona Fide Eating Places to offer entertainment, cultural, artistic, dramatic, musical, or leisure activities, performances or exhibitions, and permit on-site wine, beer, and/or liquor sales, and make conforming changes in the Planning Code definitions of Bar and Bona Fide Eating Place uses; permitting certain Movie Theaters in the Upper Fillmore Neighborhood Commercial District to sell wine and/or beer without being subject to non-residential use size limits otherwise applicable in the District; affirming the Planning Department’s determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.**

Existing Law

The Planning Code defines Bars to include “drinking establishments serving beer where minors are present (with ABC license types 40 or 60) in conjunction with other uses such as Movie Theaters and General Entertainment, and bars serving wine operated by licensed winegrowers (with ABC license type 02).” This definition limits the kind of alcohol, and the types of ABC licenses permitted, for Movie Theaters to sell beer. No other alcohol types are included in the current definition.

The Planning Code defines Movie Theaters as “[a] Retail Entertainment, Arts and Recreation Use that displays motion pictures, videos, slides, or closed-circuit television pictures.” That definition does not include alcohol sales as a principally permitted use.

The Planning Code does not include Movie Theaters in the definition of a Bona Fide Eating Place. Several types of ABC license require the operator to operate a bona fide eating place.

Amendments to Current Law

This ordinance permits the sale of alcohol with an ABC license for on-site consumption by ticket-holding customers as a minor or incidental use of Movie Theaters which are “primarily designed and used for the presentation of films or motion pictures to an audience, and generally involving: (a) one or more auditoriums, (b) seating oriented towards a screen, (c) professional projection equipment, and (d) one or more concession areas”. The ordinance removes Movie Theaters from the definition of Bar Use, and defines Bona Fide Eating Place to include Movie Theaters, while exempting Movie Theaters from certain requirements for substantial sales of meals and significant revenue from food and non-alcoholic beverages during the normal hours of operation. The ordinance also permits Movie Theaters to offer entertainment, cultural, artistic, dramatic, musical, or leisure activities, performances, or

exhibitions so long as the premises (i) obtains any necessary authorization from the Entertainment Commission, and (ii) is primarily designed and used for the presentation of films or motion pictures to an audience.

This ordinance also permits certain Movie Theaters in the Upper Fillmore Street Neighborhood Commercial District to make minor and incidental sales of wine and/or beer to ticketed or non-ticketed guests for onsite consumption. Under the ordinance, Movie Theaters in the Upper Fillmore Street Neighborhood Commercial District would be exempt from the non-residential use size limits in Zoning Control Table 718 or in Section 121.2 of the Planning Code

### Background Information

The purpose of this ordinance is to make it easier for small movie theater businesses to continue to serve their local communities and the arts, while requiring Movie Theaters to obtain the appropriate ABC license.

This legislative digest reflects amendments considered by the Planning Commission at its January 15, 2026 hearing. Specifically, on that date, the Planning Commission considered staff recommendations to amend the ordinance to: (1) remove the requirements for fixed seating; (2) apply the proposed provisions allowing additional forms of entertainment and activities in Movie Theaters to all Movie Theaters; (3) remove the reference to a specific type of ABC License from the provisions applicable to affected theaters in the Upper Fillmore Street Neighborhood Commercial District; and (4) allow eligible theaters in the Upper Fillmore Street Neighborhood Commercial District to sell wine and beer to both ticketed and non-ticketed guests.

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January 21, 2026

Ms. Angela Calvillo, Clerk  
Honorable Supervisor Sherrill  
Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Re: **Transmittal of Planning Department Case Number 2025-010672PCA:**  
Alcohol Sales in Movie Theaters  
Board File No. 251103

**Planning Commission Action: Adopted a Recommendation for Approval with Modification**

Dear Ms. Calvillo and Supervisor Sherrill,

On January 15, 2026, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Supervisor Sherrill. The proposed Ordinance would amend the Planning Code to permit on-site wine, beer, and/or liquor sales in Movie Theaters that also operate as Bona Fide Eating Places and make conforming changes in the Planning Code definitions of Bar and Bona Fide Eating Place uses. Additionally, the proposed Ordinance would permit certain Movie Theaters in the Upper Fillmore Neighborhood Commercial District to sell wine and/or beer and offer entertainment, cultural, artistic, dramatic, musical, or leisure activities, performances, or exhibitions without being subject to non-residential use size limits otherwise applicable in the District. At the hearing the Planning Commission adopted a recommendation for approval with modifications. The Commission's proposed modifications were as follows:

1. Remove the "fixed" seating requirement from the definition of Movie Theater.
2. Remove arbitrary restrictions within the Upper Fillmore NCD including the 150 fixed seating requirement and the Type 41 ABC License restriction.
3. Apply proposed changes consistently across districts including 1) allowing all Movie Theaters to offer a broader range of programming without establishing a separate Entertainment Use and 2) exempting

Movie Theaters from the Non-Residential Use Size Limit.

4. Within the Upper Fillmore NCD, allow Movie Theaters to serve alcohol for on-site consumption by non-ticketed patrons.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Supervisor, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Commission.

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,



Audrey Merlone  
*Acting Manager of Legislative Affairs*

cc: Kristen Jensen, Deputy City Attorney  
Lorenzo Rosas, Aide to Supervisor Sherrill  
John Carroll, Office of the Clerk of the Board

**ATTACHMENTS :**

Planning Commission Resolution  
Planning Department Executive Summary



# PLANNING COMMISSION RESOLUTION NO. 21880

**HEARING DATE: JANUARY 15, 2026**

*Project Name:* Alcohol Sales in Movie Theaters  
*Case Number:* 2025-010672PCA [Board File No. 251103]  
*Initiated by:* Supervisor Sherrill / Introduced November 4, 2025  
*Staff Contact:* Veronica Flores Legislative Affairs  
veronica.flores@sfgov.org, 628-652-7525  
*Reviewed by:* Audrey Merlone, Acting Manager of Legislative Affairs  
audrey.merlone@sfgov.org, 628-652-7534

**RESOLUTION ADOPTING A RECOMMENDATION FOR APPROVAL WITH MODIFICATION OF A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO PERMIT ON-SITE WINE, BEER, AND/OR LIQUOR SALES IN MOVIE THEATERS THAT ALSO OPERATE AS BONA FIDE EATING PLACES, AND MAKE CONFORMING CHANGES IN THE PLANNING CODE DEFINITIONS OF BAR AND BONA FIDE EATING PLACE USES; PERMITTING CERTAIN MOVIE THEATERS IN THE UPPER FILLMORE NEIGHBORHOOD COMMERCIAL DISTRICT TO SELL WINE AND/OR BEER AND OFFER ENTERTAINMENT, CULTURAL, ARTISTIC, DRAMATIC, MUSICAL, OR LEISURE ACTIVITIES, PERFORMANCES, OR EXHIBITIONS WITHOUT BEING SUBJECT TO NON-RESIDENTIAL USE SIZE LIMITS OTHERWISE APPLICABLE IN THE DISTRICT; AFFIRMING THE PLANNING DEPARTMENT'S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1; AND MAKING FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND WELFARE PURSUANT TO PLANNING CODE, SECTION 302.**

WHEREAS, on November 4, 2025 Supervisor Sherrill introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 251103, which would amend the Planning Code to permit on-site wine, beer, and/or liquor sales in Movie Theaters that also operate as Bona Fide Eating Places, and make conforming changes in the Planning Code definitions of Bar and Bona Fide Eating Place uses; permitting certain Movie Theaters in the Upper Fillmore Neighborhood Commercial District to sell wine and/or beer and offer entertainment, cultural, artistic, dramatic, musical, or leisure activities, performances, or exhibitions without being subject to non-residential use size limits otherwise applicable in the District;

WHEREAS, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on January 15, 2026; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15378 and 15060(c)(2); and

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

WHEREAS, all pertinent documents may be found in the files of the Department, as the Custodian of Records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby adopts a **recommendation for approval with modifications** of the proposed ordinance. The Commission's proposed recommendations are as follows:

1. Remove the "fixed" seating requirement from the definition of Movie Theater.
2. Remove arbitrary restrictions within the Upper Fillmore NCD including the 150 fixed seating requirement and the Type 41 ABC License restriction.
3. Apply proposed changes consistently across districts including 1) allowing all Movie Theaters to offer a broader range of programming without establishing a separate Entertainment Use and 2) exempting Movie Theaters from the Non-Residential Use Size Limit.
4. Within the Upper Fillmore NCD, allow Movie Theaters to serve alcohol for on-site consumption by non-ticketed patrons.

## **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:

The decline of traditional Movie Theaters is a growing concern, particularly for small and historic venues. In addition to declining attendance, there has been a noticeable shift in how audiences want to experience films. For those who do choose to attend in person, expectations around food and beverage offerings have evolved. The proposed Ordinance responds to these changing preferences by creating a more accessible path for Movie Theaters to adapt and remain competitive.

## **General Plan Compliance**

The proposed Ordinance and the Commission's recommended modifications are 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.

### Policy 2.3

Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location.

*The proposed Ordinance aligns with the Commerce & Industry Element of the General Plan, particularly Objective 2, which seeks to maintain and enhance a sound and diverse economic base. It supports Policy 2.1 by helping retain existing commercial activity, as evidenced by the expanded opportunities for alcohol sales within Movie Theaters. Additionally, it supports Policy 2.3 by promoting a favorable social and cultural climate. Movie Theaters have long served as important community venues, bringing together people from diverse backgrounds to share cultural experiences. The proposed Ordinance helps preserve these spaces and their contributions to San Francisco's cultural fabric.*

## Planning Code Section 101 Findings

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

*The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.*

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

*The proposed Ordinance would not have a negative effect on housing or neighborhood character.*

3. That the City's supply of affordable housing be preserved and enhanced;

*The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.*

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

*The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or*

*overburdening the streets or neighborhood parking.*

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

*The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.*

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

*The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.*

7. That the landmarks and historic buildings be preserved;

*The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.*

8. That our parks and open space and their access to sunlight and vistas be protected from development;

*The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.*

### **Planning Code Section 302 Findings.**

The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby ADOPTS A RECOMMENDATION FOR APPROVAL WITH MODIFICATIONS of the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on January 15, 2026.



**Jonas P Ionin** Digitally signed by Jonas P Ionin  
Date: 2026.01.20 15:40:48 -08'00'

Jonas P. Ionin  
Commission Secretary

AYES: Campbell, McGarry, Williams, Braun, Imperial, Moore, So  
NOES: None  
ABSENT: None  
ADOPTED: January 15, 2026



# EXECUTIVE SUMMARY

## PLANNING CODE TEXT AMENDMENT

**HEARING DATE:** January 15, 2026

**90-Day Deadline:** February 5, 2026

*Project Name:* Alcohol Sales in Movie Theaters  
*Case Number:* 2025-010672PCA [Board File No. 251103]  
*Initiated by:* Supervisor Sherrill / Introduced November 4, 2025  
*Staff Contact:* Veronica Flores Legislative Affairs  
veronica.flores@sfgov.org, 628-652-7525  
*Reviewed by:* Audrey Merlone, Acting Manager of Legislative Affairs  
audrey.merlone@sfgov.org, 628-652-7534

**RECOMMENDATION: Adopt a Recommendation for Approval with Modifications**

### Planning Code Amendment

The proposed Ordinance would amend the Planning Code to permit on-site wine, beer, and/or liquor sales in Movie Theaters that also operate as Bona Fide Eating Places. The proposed Ordinance also makes conforming changes in the Planning Code definitions of Bar and Bona Fide Eating Place uses. Lastly, the proposed Ordinance would permit certain Movie Theaters in the Upper Fillmore Neighborhood Commercial District (NCD) to sell wine and/or beer and offer entertainment, cultural, artistic, dramatic, musical, or leisure activities, performances, or exhibitions without being subject to non-residential use size limits otherwise applicable in the District.

The Way It Is Now	The Way It Would Be
Movie Theaters are only allowed to sell alcohol on-site if they also establish a Restaurant or Bar use at the property. They must also comply with	Movie Theaters would be allowed to sell beer, wine, and/or liquor for on-site consumption by ticketed

<p>additional requirements for those respective uses, as regulated by the California Department of Alcoholic Beverage Control (ABC).</p>	<p>customers without establishing a separate Restaurant or Bar use.</p>
<p>The Bona Fide Eating Place definition exempts Nighttime Entertainment Uses from hours of operation and revenue from food requirements to allow for more flexibility with State Alcohol license types.</p>	<p>For similar reasons, Movie Theaters would also be provided exemptions from hours of operations and significant revenue from food requirements.</p>
<p>Movie Theaters are principally permitted within the Upper Fillmore NCD. To offer other forms of entertainment beyond an accessory amount requires a separate Entertainment Use permit.</p>	<p>Additionally, Movie Theaters within the Upper Fillmore NCD would be allowed to offer entertainment, cultural, artistic, dramatic, musical, or leisure activities, performances, or exhibitions without obtaining a separate Entertainment Use permit. Such Movie Theaters would be required to 1) have at least 150 fixed seats; 2) obtain any necessary authorizations from the Entertainment Commission; and 3) are limited to a Type 41 ABC License (so long as it operates as a Bona Fide Eating Place). A Movie Theater that complies with these provisions is not subject to the Non-Residential Use Size limits.</p>

### Anticipated Amendment

Supervisor Sherrill intends to introduce an amendment to remove the word “fixed” seating in the definition of Movie Theaters. The goal is to still require seating oriented towards a projector or screen, but these chairs do not need to be secured onto the floor.

### Background

Under current regulations, Movie Theaters in San Francisco may only sell alcohol on-site if they also establish a separate Restaurant or Bar use on the property. This dual-use requirement imposes additional regulatory and operational burdens, which many theaters find difficult to meet. If they obtain a Bar Use permit, they may not admit patrons to the establishment that are under 21 years of age. If they obtain a Restaurant Use permit, they must meet the definition of a Bona Fide Eating Place, which requires 51% of gross receipts to come from food sales.

With the decline in movie-going due to the rise of streaming services and the lingering impacts of the COVID-19 pandemic, small and historic theaters are struggling to remain open. The Clay Theater, a historic single-screen venue, expressed interest in selling alcohol to support its operations but faced obstacles due to strict requirements for Restaurant uses. In response, Supervisor Sherrill introduced legislation to support Movie Theaters citywide, including the Clay Theater, by allowing them to sell alcohol on-site without needing to establish a separate Restaurant or Bar use. This change is intended to help theaters diversify their revenue streams and remain financially viable.

## Issues and Considerations

### Decline and Shift in Experiencing Movies

The decline of traditional Movie Theaters is a growing concern, particularly for small and historic venues. The rise of streaming services has significantly reduced in-person attendance, as more people opt to watch films from the comfort of their homes on flexible schedules. Despite this shift in consumer behavior, the operating costs for theaters, such as staffing, film licensing, and building maintenance, remain unchanged. This financial strain has led to the closure or repurposing of several historic theaters, including the Apollo Theater (now a Walgreens), the El Capitan Theatre (now a public parking lot), and the Haight Theatre (demolished and replaced with a Goodwill and residential units).

People's preferences on the way they experience movies has changed and Movie Theaters need to be able to adapt to these changes.

In addition to declining attendance, there has been a noticeable shift in how audiences want to experience films. For those who do choose to attend in person, expectations around food and beverage offerings have evolved. Patrons increasingly seek a more elevated and flexible experience, including access to alcoholic beverages and expanded menu options that go beyond traditional concessions. The proposed Ordinance responds to these changing preferences by creating a more accessible path for Movie Theaters to adapt and remain competitive.

### Permitting Requirements and Process Barriers

Under current regulations, Movie Theaters that want to be open to patrons under 21 years old must establish a separate Restaurant use to sell alcohol on-site, which may involve a complex and costly permitting process. This requirement includes compliance with stringent standards for food service infrastructure and operations. While large theater chains may have the resources to navigate this process, smaller and historic theaters often do not. The burden of meeting these requirements can discourage theaters from pursuing alcohol sales, even when such sales could significantly support their business operations. The proposed Ordinance removes this barrier by allowing alcohol sales without requiring a separate Restaurant or Bar use. This change reduces permitting costs and timelines and makes the process more accessible for smaller operators.

### Bona Fide Eating Place Requirements

To qualify for certain ABC alcohol Licenses, a Restaurant must meet the definition of a Bona Fide Eating Place. To qualify as a Bona Fide Eating Place, an establishment must serve full meals during regular business hours and be equipped with a functioning kitchen and food service infrastructure. This includes, but is not limited to, refrigeration, cooking equipment, utensils, menus, and signage. ABC specifically excludes snacks such as popcorn or pretzels from meeting the meal requirement, and even sandwiches or salads alone are generally not considered sufficient.<sup>1</sup>

---

<sup>1</sup> [State Department of Alcoholic Beverage Control, What is Required to be Considered a Meal.](#)

### Exceptions

Nighttime Entertainment uses are exempt from some Bona Fide Eating Place requirements. If alcohol is sold only to ticketed patrons during entertainment hours, these Nighttime Entertainment uses are not required to meet meal frequency or revenue thresholds. However, they must still serve actual meals during entertainment hours, defined as two hours before and one hour after the event, with a maximum of eight hours per day. The proposed Ordinance mirrors these exemptions for Movie Theaters but does not impose the eight-hour daily limit, allowing greater flexibility in their operations.

### **Upper Fillmore NCD**

The proposed Ordinance would allow Movie Theaters to offer other types of programming, including entertainment, cultural, artistic, dramatic, musical, or leisure activities, performances, or exhibitions. The proposed Ordinance also adds additional requirements for new Movie Theaters within the Upper Fillmore NCD. Movie Theaters would still be principally permitted within this district; however, they would also need to comply with the following requirements:

- Requires at least 150 fixed seats
- Obtains any necessary authorizations from Entertainment Commission
- Only allows a Type 41 ABC License (beer and/or wine) if it operates as a Bona Fide Eating Place

New Movie Theaters proposed within the Upper Fillmore NCD would be exempt from the Non-Residential Use Size limits if they meet the above requirements.

### **Affected Projects**

The Department is currently aware of one theater interested in utilizing the new pathway provided by the proposed Ordinance: the Clay Theater, located within the Upper Fillmore NCD. Constructed in 1913 as a nickelodeon movie house, the Clay Theater is one of San Francisco's oldest single-screen theaters. It was the city's first dedicated foreign film venue and played a significant role in showcasing independent and art house films through the late 1980s. The theater closed in January 2020 after years of declining revenue. In 2022, it was designated a historic landmark under Ordinance No. 72-22 for its cultural and architectural significance. New ownership is now seeking to revitalize and reopen the theater, and the proposed Ordinance would support these efforts by providing a more accessible path to selling alcohol on-site.

### **General Plan Compliance**

The proposed Ordinance aligns with the Commerce & Industry Element of the General Plan, particularly Objective 2, which seeks to maintain and enhance a sound and diverse economic base. It supports Policy 2.1 by helping retain existing commercial activity, as evidenced by the expanded opportunities for alcohol sales within Movie Theaters. Additionally, it supports Policy 2.3 by promoting a favorable social and cultural climate. Movie Theaters have long served as important community venues, bringing together people from diverse backgrounds to share cultural experiences. The proposed Ordinance helps preserve these spaces and their contributions to San Francisco's cultural fabric.

## Racial and Social Equity Analysis

The proposed Ordinance advances racial and social equity by supporting small, single-screen theaters, which have been disproportionately affected by the decline in movie-going. Many of these theaters are minority-owned or serve diverse communities. By removing the requirement to establish a Restaurant or Bar use, the proposed Ordinance eliminates a significant barrier to alcohol sales, potentially saving applicants thousands of dollars in permit fees and months of review time. For small theaters, these savings could be critical to their survival. The proposed Ordinance also enables Movie Theaters to expand their revenue streams without navigating burdensome bureaucratic processes, helping to level the playing field for smaller operators.

## Implementation

The Department has determined that this proposed Ordinance will not impact our current implementation procedures.

## Recommendation

The Department recommends that the **Commission adopt a recommendation for approval with modifications** of the proposed Ordinance and adopt the attached Draft Resolution to that effect. The Department's proposed recommendations are as follows:

1. Remove the "fixed" seating requirement from the definition of Movie Theater.
2. Remove arbitrary restrictions within the Upper Fillmore NCD including the 150 fixed seating requirement and the Type 41 ABC License restriction.
3. Apply proposed changes consistently across districts including 1) allowing all Movie Theaters to offer a broader range of programming without establishing a separate Entertainment Use and 2) exempting Movie Theaters from the Non-Residential Use Size Limit.

## Basis for Recommendation

The Department supports the overall goals of the proposed Ordinance. It promotes the continued operation and financial sustainability of Movie Theaters by allowing them to sell alcohol on-site without establishing a separate Restaurant use. This change removes significant regulatory and operational hurdles, particularly for small and historic theaters that may not have the capacity or interest to operate full-service restaurants. The proposed ordinance includes safeguards to prevent these establishments from operating as bars, such as requiring alcohol sales to be secondary to the theater's main purpose and limited to ticketed patrons. To strengthen the proposed Ordinance and ensure clarity in implementation, the Department recommends the following modifications:

**Recommendation 1: Remove the "fixed" seating requirement from the definition of Movie Theater.** The term "fixed seating" should be removed from the Movie Theater definition to ensure consistency with past Department policy. During the review of the Castro Theater, the Department determined that fixed seating

was not necessary to qualify as a Movie Theater, and this proposed Ordinance should reflect that precedent to maintain consistency. This precedent should be carried forward in the proposed Ordinance to maintain consistency in how Movie Theater uses are defined and regulated.

Moreover, requiring fixed seating may unintentionally exclude Movie Theaters that use flexible or non-traditional seating arrangements, such as modular or movable seating, which are increasingly common in historic or multi-use venues. These theaters still function as legitimate movie exhibition spaces and contribute meaningfully to the city's cultural landscape. Removing the "fixed" seating requirement would allow for greater adaptability in Movie Theater design and programming, supporting innovation and inclusivity in how film is presented to the public. This recommended modification aligns with Supervisor Sherrill's anticipated amendment.

**Recommendation 2: Remove arbitrary restrictions within the Upper Fillmore NCD including the 150 fixed seating requirement and the Type 41 ABC License restriction.** The proposed Ordinance introduces additional requirements specifically for Movie Theaters located within the Upper Fillmore NCD, including minimum fixed seating capacity, Entertainment Commission authorization (if needed), and limitations on the type of ABC license permitted. These added conditions appear arbitrary and unnecessarily restrictive, especially when compared to the broader, citywide changes proposed for the definitions of Movie Theater and Bona Fide Eating Place.

The recommendation is to remove the requirement for a minimum of 150 fixed seats, as it does not reflect the diversity of theater formats in San Francisco. Many smaller or historic theaters use flexible seating arrangements or non-traditional seating that still support legitimate film exhibitions. Retaining the "fixed seating" requirement would exclude these venues from qualifying as Movie Theaters under the proposed Ordinance, undermining its intent to support a wider range of theater operations.

Additionally, staff recommends removing the restriction to ABC License Type 41. The proposed Ordinance is intended to create a more flexible and accessible path for Movie Theaters to sell alcohol on-site. Limiting Movie Theaters to a single ABC license type may unnecessarily constrain their business models and prevent them from selecting the license that best fits their operations and programming.

**Recommendation 3: Apply proposed changes consistently across districts including 1) allowing all Movie Theaters to offer a broader range of programming without establishing a separate Entertainment Use and 2) exempting Movie Theaters from the Non-Residential Use Size Limit.** To ensure equitable treatment of theaters citywide, the proposed Ordinance should apply the proposed changes for Movie Theaters in the Upper Fillmore NCD consistently across all applicable districts. This includes relocating some of the changes proposed in the Upper Fillmore NCD to the general Movie Theater definition. This approach would allow **all** Movie Theaters to offer a broader range of programming, such as entertainment, cultural, artistic, and leisure activities, while maintaining their primary role as film exhibition venues. It gives businesses flexibility and helps them adapt to changing audience expectations. Finally, to further support the viability of Movie Theaters, staff recommends exempting them from Non-Residential Use Size limits. This exemption would allow theaters greater flexibility in how they use their space, particularly when offering food, beverage, and entertainment services as part of their operations.

## Required Commission Action

The proposed Ordinance is before the Commission so that it may adopt a recommendation of approval, disapproval, or approval with modifications.

## Environmental Review

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c)(2) and 15378 because they do not result in a physical change in the environment.

## Public Comment

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

### ATTACHMENTS:

Exhibit A: Draft Planning Commission Resolution  
Exhibit B: Board of Supervisors File No. 251103

*Portions of this report were drafted and/or edited with the assistance of Microsoft Copilot, in accordance with the City and County of San Francisco's policy on the use of generative AI tools.*

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**EXHIBIT A**

**PLANNING COMMISSION**  
**DRAFT RESOLUTION**

**HEARING DATE: JANUARY 15, 2026**

*Project Name:* Alcohol Sales in Movie Theaters  
*Case Number:* 2025-010672PCA [Board File No. 251103]  
*Initiated by:* Supervisor Sherrill / Introduced November 4, 2025  
*Staff Contact:* Veronica Flores Legislative Affairs  
veronica.flores@sfgov.org, 628-652-7525  
*Reviewed by:* Audrey Merlone, Acting Manager of Legislative Affairs  
audrey.merlone@sfgov.org, 628-652-7534

**RESOLUTION ADOPTING A RECOMMENDATION FOR APPROVAL WITH MODIFICATION OF A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO PERMIT ON-SITE WINE, BEER, AND/OR LIQUOR SALES IN MOVIE THEATERS THAT ALSO OPERATE AS BONA FIDE EATING PLACES, AND MAKE CONFORMING CHANGES IN THE PLANNING CODE DEFINITIONS OF BAR AND BONA FIDE EATING PLACE USES; PERMITTING CERTAIN MOVIE THEATERS IN THE UPPER FILLMORE NEIGHBORHOOD COMMERCIAL DISTRICT TO SELL WINE AND/OR BEER AND OFFER ENTERTAINMENT, CULTURAL, ARTISTIC, DRAMATIC, MUSICAL, OR LEISURE ACTIVITIES, PERFORMANCES, OR EXHIBITIONS WITHOUT BEING SUBJECT TO NON-RESIDENTIAL USE SIZE LIMITS OTHERWISE APPLICABLE IN THE DISTRICT; AFFIRMING THE PLANNING DEPARTMENT'S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1; AND MAKING FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND WELFARE PURSUANT TO PLANNING CODE, SECTION 302.**

WHEREAS, on November 4, 2025 Supervisor Sherrill introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 251103, which would amend the Planning Code to permit on-site wine, beer, and/or liquor sales in Movie Theaters that also operate as Bona Fide Eating Places, and make conforming changes in the Planning Code definitions of Bar and Bona Fide Eating Place uses; permitting certain Movie Theaters in the Upper Fillmore Neighborhood Commercial District to sell wine and/or beer and offer entertainment, cultural, artistic, dramatic, musical, or leisure activities, performances, or exhibitions without being subject to non-residential use size limits otherwise applicable in the District;

WHEREAS, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on January 15, 2026; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15378 and 15060(c)(2); and

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

WHEREAS, all pertinent documents may be found in the files of the Department, as the Custodian of Records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby adopts a **recommendation for approval with modifications** of the proposed ordinance. The Commission's proposed recommendations are as follows:

1. Remove the "fixed" seating requirement from the definition of Movie Theater.
2. Remove arbitrary restrictions within the Upper Fillmore NCD including the 150 fixed seating requirement and the Type 41 ABC License restriction.
3. Apply proposed changes consistently across districts including 1) allowing all Movie Theaters to offer a broader range of programming without establishing a separate Entertainment Use and 2) exempting Movie Theaters from the Non-Residential Use Size Limit.

## 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:

The decline of traditional Movie Theaters is a growing concern, particularly for small and historic venues. In addition to declining attendance, there has been a noticeable shift in how audiences want to experience films. For those who do choose to attend in person, expectations around food and beverage offerings have evolved. The proposed Ordinance responds to these changing preferences by creating a more accessible path for Movie Theaters to adapt and remain competitive.

## General Plan Compliance

The proposed Ordinance and the Commission's recommended modifications are 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.

### Policy 2.3

Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location.

*The proposed Ordinance aligns with the Commerce & Industry Element of the General Plan, particularly Objective 2, which seeks to maintain and enhance a sound and diverse economic base. It supports Policy 2.1 by helping retain existing commercial activity, as evidenced by the expanded opportunities for alcohol sales within Movie Theaters. Additionally, it supports Policy 2.3 by promoting a favorable social and cultural climate. Movie Theaters have long served as important community venues, bringing together people from diverse backgrounds to share cultural experiences. The proposed Ordinance helps preserve these spaces and their contributions to San Francisco's cultural fabric.*

## Planning Code Section 101 Findings

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

*The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.*

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

*The proposed Ordinance would not have a negative effect on housing or neighborhood character.*

3. That the City's supply of affordable housing be preserved and enhanced;

*The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.*

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

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

5. That a diverse economic base be maintained by protecting our industrial and service sectors from

displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

*The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.*

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

*The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.*

7. That the landmarks and historic buildings be preserved;

*The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.*

8. That our parks and open space and their access to sunlight and vistas be protected from development;

*The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.*

### **Planning Code Section 302 Findings.**

The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby ADOPTS A RECOMMENDATION FOR APPROVAL WITH MODIFICATIONS of the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on January 15, 2026.

Jonas P. Ionin  
Commission Secretary

AYES:  
NOES:

ABSENT:

ADOPTED: January 15, 2026

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EXHIBIT B

1 [Planning Code - Alcohol Sales in Movie Theaters]

2

3 **Ordinance amending the Planning Code to permit on-site wine, beer, and/or liquor**  
4 **sales in Movie Theaters that also operate as Bona Fide Eating Places, and make**  
5 **conforming changes in the Planning Code definitions of Bar and Bona Fide Eating**  
6 **Place uses; permitting certain Movie Theaters in the Upper Fillmore Neighborhood**  
7 **Commercial District to sell wine and/or beer and offer entertainment, cultural, artistic,**  
8 **dramatic, musical, or leisure activities, performances, or exhibitions without being**  
9 **subject to non-residential use size limits otherwise applicable in the District; affirming**  
10 **the Planning Department’s determination under the California Environmental Quality**  
11 **Act; making findings of consistency with the General Plan, and the eight priority**  
12 **policies of Planning Code, Section 101.1; and making findings of public necessity,**  
13 **convenience, and welfare pursuant to Planning Code, Section 302.**

14

15 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
16 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
17 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
18 **Board amendment additions** are in double-underlined Arial font.  
19 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
20 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
21 subsections or parts of tables.

19

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

21

22 Section 1. General Findings.

23 (a) Movie Theaters serve as community cornerstones and gathering spaces for the  
24 arts, and in recent years, their operations have been threatened by shifting streaming habits,  
25 the COVID-19 pandemic, and more. The theaters hit hardest by these tough economic

1 conditions are small, single-screen, and historic theaters throughout the city and state, many  
2 of which were small businesses and have been forced to close.

3 (b) It is imperative that the City and County of San Francisco do all that we can to keep  
4 these small neighborhood theaters in business by supporting their profitability and delivering  
5 clear, transparent, and efficient permitting processes for any necessary restoration work. This  
6 ordinance helps support the neighborhood theater operations by allowing them to provide on-  
7 site beer, wine, and/or liquor sales for drinking on the premises, enabling them to more easily  
8 generate added revenue from these sales.

9 (c) Critically, this ordinance continues to require these theaters to obtain an ABC  
10 license and does not affect any businesses governed by Alcohol Restricted Use Districts  
11 where controls exist to protect the health, safety, and welfare of these neighborhoods.

12 (d) By enacting this ordinance, San Francisco helps make it easier for small movie  
13 theater businesses to continue to serve their local communities and the arts.

14

## 15 Section 2. Environmental Findings.

16 (a) The Planning Department has determined that the actions contemplated in this  
17 ordinance comply with the California Environmental Quality Act (California Public Resources  
18 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
19 Supervisors in File No. 251103 and is incorporated herein by reference. The Board affirms  
20 this determination.

21 (b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_,  
22 adopted findings that the actions contemplated in this ordinance are consistent, on balance,  
23 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The  
24 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of  
25 the Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.

1 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning  
2 Code amendments will serve the public necessity, convenience, and welfare for the reasons  
3 set forth in Planning Commission Resolution No.\_\_\_\_\_ and the Board incorporates such  
4 reasons herein by reference. A copy of Planning Commission Resolution No.\_\_\_\_\_ is on file  
5 with the Clerk of the Board of Supervisors in File No.\_\_\_\_\_.  
6

7 Section 3. Article 1 of the Planning Code is hereby amended by revising Section 102  
8 as follows:

9 **SEC. 102. DEFINITIONS.**

10 \* \* \* \*

11 **Bar.** A Retail Sales and Service Use that provides on-site alcoholic beverage sales for  
12 drinking on the premises, including bars serving beer, wine, and/or liquor to the customer  
13 where no person under 21 years of age is admitted (with Alcoholic Beverage Control [ABC]  
14 license types 23, 42, 48, or 61), drinking establishments serving beer where minors are  
15 present (with ABC license types 40 or 60) in conjunction with other uses such as *Movie*  
16 *Theaters and* General Entertainment, and bars serving wine operated by licensed winegrowers  
17 (with ABC license type 02). Such businesses shall operate with the specified conditions in  
18 Section 202.2(a). A non-profit theater that provides on-site alcoholic beverage sales only for  
19 consumption by ticket-holding patrons on the premises, with ABC license type 64, shall not be  
20 considered a Bar use. A music entertainment facility that is authorized to sell beer, wine, and  
21 distilled spirits at retail for consumption on the premises, with ABC license type 90, shall not  
22 be considered a Bar use.

23 \* \* \* \*

24 **Bona Fide Eating Place.** A place that is regularly and in a bona fide manner used and kept  
25

1 open for the service of meals to guests for compensation and that has suitable kitchen  
2 facilities connected therewith, containing conveniences for cooking of an assortment of foods  
3 that may be required for ordinary meals.

4 \* \* \* \*

5 (c) Actual and substantial sales of meals are required, during the normal days and meal  
6 hours that a bona fide public eating place is open, provided that "normal days of operation"  
7 shall mean a minimum of five days a week and "normal hours" of operation for meal service  
8 shall mean approximately 7:00 a.m. to 11:00 a.m. if open for breakfast; 11:00 a.m. to 2:00  
9 p.m. if open for lunch; or 5:00 p.m. to 10:00 p.m. if open for dinner.

10 \* \* \* \*

11 (e) The establishment must secure significant revenue from food and non-alcoholic  
12 beverage sales. Significant revenue from food and non-alcoholic beverage sales shall mean  
13 either:

14 (1) A minimum of 51% of the establishment's gross receipts shall be from food sales  
15 prepared and sold to guests on the premises. Records of the establishment's gross receipts  
16 shall be provided to the Department upon request; or

17 (2) Annual gross food and non-alcoholic beverage sales prepared and sold to guests on  
18 the premises of at least \$4,200 per occupant based on the premises' maximum occupant load  
19 as determined and approved by the Fire Department and Department of Building Inspection.  
20 Records of the establishment's gross sales shall be provided to the Department upon request.  
21 The Zoning Administrator may adjust the amount of \$4,200 per occupant each year, provided  
22 that such adjustments are supported by specific financial and economic criteria, including but  
23 not limited to a review of the restaurant market, costs, prices, profits, and losses,<sup>1</sup> and  
24 recognizing the differences in sizes and types of establishments.

25 \* \* \* \*

1 (h) For a Movie Theater Use that only provides alcoholic beverage sales for on-site consumption  
2 during the normal hours of operation of entertainment activities, paragraphs (c) and (e) do not apply,  
3 but actual and substantial sales of meals are required during the normal hours of operation. For  
4 purposes of this paragraph, the “normal hours of operation” shall include two hours prior to, and one  
5 hour after, entertainment activities.

6 \* \* \* \*

7 **Movie Theater.** A Retail Entertainment, Arts and Recreation Use primarily designed and used  
8 for the presentation of films or motion pictures to an audience, and generally involving: (a) one or  
9 more auditoriums, (b) fixed seating oriented towards a screen, (c) professional projection equipment,  
10 and (d) one or more concession areas. A Movie Theater may provide beer, wine, and/or liquor sales for  
11 on-site consumption by ticketed customers, as a minor and incidental use, so long as it operates as a  
12 Bona Fide Eating Place as defined in Section 102 of this Code. ~~that displays motion pictures, videos,~~  
13 ~~slides, or closed-circuit television pictures.~~ This use does not include an adult theater, which is  
14 regulated as an Adult Business. Removal of a Movie Theater is subject to the controls in  
15 Section 202.4.

16 \* \* \* \*

17 Section 4. Article 7 of the Planning Code is hereby amended by revising Section 718  
18 as follows:

19 **SEC. 718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

20 The Upper Fillmore Street Neighborhood Commercial District is situated in the south-  
21 central portion of Pacific Heights. It runs north-south along Fillmore Street from Jackson to  
22 Bush and extends west one block along California and Pine Streets. This medium-scaled,  
23 multi-purpose commercial district provides convenience goods to its immediate neighborhood  
24 as well as comparison shopping goods and services on a specialized basis to a wider trade  
25

1 area. Commercial businesses are active during both day and evening and include a number  
 2 of bars, restaurants, specialty groceries, and specialty clothing stores.

3 The Upper Fillmore District controls are designed to protect the existing building  
 4 scale and promote new mixed-use development which is in character with adjacent buildings.  
 5 Building standards regulate large lot and use development and protect rear yards above the  
 6 ground story and at residential levels. Most commercial uses are permitted at the first two  
 7 stories of new buildings. Special controls are designed to preserve the existing equilibrium of  
 8 neighborhood-serving convenience and specialty commercial uses. In order to maintain  
 9 convenience stores and protect adjacent livability, additional bars (unless part of a restaurant)  
 10 and formula retail establishments are prohibited, and financial service uses are limited. In  
 11 order to promote continuous retail frontage, drive-up and most automobile uses are  
 12 prohibited.

13 Housing development in new buildings is encouraged above the second story.  
 14 Existing residential units are protected by limitations on demolitions and upper-story  
 15 conversions. Accessory Dwelling Units are permitted within the district pursuant to Section  
 16 207.1 of this Code.

17 **Table 718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT**  
 18 **ZONING CONTROL TABLE**

		Upper Fillmore Street NCD
Zoning Category	§ References	Controls
* * * *		
NON-RESIDENTIAL STANDARDS AND USES		
* * * *		

		Controls by Story		
		1st	2nd	3rd+
* * * *				
Entertainment, Arts and Recreation Use Category				
* * * *				
Movie Theater	§§ 102, 202.4	P(2)	P(2)	P(2)

\* \* \* \*

(2) ~~[Note deleted.]~~ A Movie Theater with no fewer than 150 fixed seats oriented toward a screen may additionally offer entertainment, cultural, artistic, dramatic, musical, or leisure activities, performances, or exhibitions so long as the premises (i) obtains any necessary authorization from the Entertainment Commission, and (ii) is primarily designed and used for the presentation of films or motion pictures to an audience. In addition, such a Movie Theater may serve beer and/or wine for on-site consumption by ticketed customers as a minor and incidental use with an ABC license Type 41 so long as it operates as a Bona Fide Eating Place as defined in Section 102 of this Code. A Movie Theater that complies with these conditions is not subject to the non-residential use size limits in this Zoning Control Table or in Section 121.2 of this Code.

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

1           Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
5 additions, and Board amendment deletions in accordance with the “Note” that appears under  
6 the official title of the ordinance.

7

8 APPROVED AS TO FORM:  
9 DAVID CHIU, City Attorney

10 By:           KRISTEN JENSEN            
11           KRISTEN A. JENSEN  
          Deputy City Attorney

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CITY AND COUNTY OF SAN FRANCISCO  
DANIEL L. LURIE, MAYOR

OFFICE OF SMALL BUSINESS  
DIRECTOR KATY TANG

December 10, 2025

Ms. Angela Calvillo, Clerk of the Board  
City Hall Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**RE: BOS File No. 251103 – Alcohol Sales in Movie Theaters – Support**

Dear Ms. Calvillo,

On December 8, 2025, the Small Business Commission (the Commission) heard BOS File No. 251103 – Alcohol Sales in Movie Theaters. Lorenzo Rosas, Legislative Director for Supervisor Sherrill, presented the legislation which would allow movie theaters to serve alcohol to ticketed customers as an incidental use. It would also permit movie theaters in the Upper Fillmore Street Neighborhood Commercial District to offer cultural and artistic performances in addition to showing movies.

The Commission discussed how these changes can provide movie theater operators greater flexibility in their business model. They noted the important role that movie theaters play as anchors in their corridors, and how their success can bolster surrounding businesses.

The Commission unanimously voted in support of the legislation. Please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Katy Tang". The signature is written in a cursive, flowing style.

Katy Tang  
Director, Office of Small Business

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Tel. No. (415) 554-5184  
Fax No. (415) 554-5163  
TDD/TTY No. (415) 554-5227

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## MEMORANDUM

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Date: November 7, 2025  
To: Planning Department/Planning Commission  
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee  
Subject: Board of Supervisors Legislation Referral - File No. 251103  
Planning Code - Alcohol Sales in Movie Theaters

- 
- California Environmental Quality Act (CEQA) Determination  
(*California Public Resources Code, Sections 21000 et seq.*)
- Ordinance / Resolution  
 Ballot Measure
- Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.  
11/14/2025 *Joy Navarrete*
- Amendment to the Planning Code, including the following Findings:  
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)  
 General Plan     Planning Code, Section 101.1     Planning Code, Section 302
- Amendment to the Administrative Code, involving Land Use/Planning  
(*Board Rule 3.23: 30 days for possible Planning Department review*)
- General Plan Referral for Non-Planning Code Amendments  
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)  
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
- Historic Preservation Commission
- Landmark (*Planning Code, Section 1004.3*)
  - Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
  - Mills Act Contract (*Government Code, Section 50280*)
  - Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to John Carroll at [john.carroll@sfgov.org](mailto:john.carroll@sfgov.org).



**MYRNA MELGAR**

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DATE: February 5, 2026

TO: Angela Calvillo  
Clerk of the Board of Supervisors

FROM: Supervisor Myrna Melgar, Chair, Land Use and Transportation Committee

RE: Land Use and Transportation Committee  
COMMITTEE REPORTS

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*mm*

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matters are of an urgent nature and request them be considered by the full Board on Tuesday, February 10, 2026:

**File No. 251103**

**Planning Code - Alcohol Sales in Movie Theaters**  
Sponsor: Sherrill

**File No. 251218**

**Resolution of Intent - Street Vacation - Portions of Christmas Tree Point Road and Twin Peaks Boulevard - Twin Peaks Promenade Project**  
Sponsor: Mayor

These matters will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, February 9, 2026.

**From:** [Board of Supervisors \(BOS\)](#)  
**To:** [BOS-Supervisors](#); [BOS-Legislative Aides](#)  
**Cc:** [BOS-Operations](#); [Carroll, John \(BOS\)](#); [Calvillo, Angela \(BOS\)](#); [De Asis, Edward \(BOS\)](#); [Entezari, Mehran \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Somera, Alisa \(BOS\)](#)  
**Subject:** FW: ALCOHOL SALES IN MOVIE THEATERS [BOARD FILE NO. 251103]  
**Date:** Thursday, January 29, 2026 11:01:43 AM

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Hello,

Please see below communication regarding **File No. 251103**:

Ordinance amending the Planning Code to authorize Movie Theaters that also operate as Bona Fide Eating Places to offer entertainment, cultural, artistic, dramatic, musical, or leisure activities, performances or exhibitions, and permit on-site wine, beer, and/or liquor, and make conforming changes in the Planning Code definitions of Bar and Bona Fide Eating Place uses; permitting certain Movie Theaters in the Upper Fillmore Neighborhood Commercial District to sell wine and/or beer without being subject to non-residential use size limits otherwise applicable in the District; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

Regards,

John Bullock  
Office of the Clerk of the Board  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
(415) 554-5184  
[BOS@sfgov.org](mailto:BOS@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

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**From:** Theatre District Neighbors <theatredistrictneighbors@gmail.com>  
**Sent:** Friday, January 23, 2026 10:08 AM  
**To:** Board of Supervisors (BOS) <board.of.supervisors@sfgov.org>; Carroll, John (BOS) <john.carroll@sfgov.org>  
**Cc:** Mahmood, Bilal (BOS) <bilal.mahmood@sfgov.org>; Chen, Chyanne (BOS) <Chyanne.Chen@sfgov.org>; Melgar, Myrna (BOS) <myrna.melgar@sfgov.org>  
**Subject:** Fwd: ALCOHOL SALES IN MOVIE THEATERS [BOARD FILE NO. 251103]

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

----- Forwarded message -----

**From:** Theatre District Neighbors <[theatredistrictneighbors@gmail.com](mailto:theatredistrictneighbors@gmail.com)>  
**Date:** Sun, Jan 11, 2026 at 9:35 PM  
**Subject:** ALCOHOL SALES IN MOVIE THEATERS [BOARD FILE NO. 251103]  
**To:** <[commissions.secretary@sfgov.org](mailto:commissions.secretary@sfgov.org)>  
**Cc:** <[veronica.flores@sfgov.org](mailto:veronica.flores@sfgov.org)>, <[sherrillstaff@sfgov.org](mailto:sherrillstaff@sfgov.org)>

January 11, 2026

San Francisco Planning Commission  
49 South Van Ness Avenue, Suite 1400  
San Francisco, CA 94103

Dear Members of the San Francisco Planning Commission,

I am writing on behalf of the Theatre District Neighbors, a community organization dedicated to supporting the vitality and cultural richness of San Francisco's Theatre District. We represent residents, local businesses, and stakeholders who cherish the area's role as a hub for arts, entertainment, and community engagement.

We strongly support the applications from the subject theaters seeking on-sale liquor licenses for their associated restaurants. These establishments have long been integral to the fabric of our neighborhood, providing world-class performances and fostering a vibrant cultural scene that draws visitors from near and far. Allowing these theaters to incorporate bona fide eating places with beer and wine service (or general on-sale privileges, as applicable) will enhance the overall experience for patrons, encourage longer stays in the district, and contribute positively to the local economy. We believe this aligns with the City's goals of promoting sustainable urban development and supporting the arts.

In extending our support, we also wish to remind all parties involved that, in accordance with California Alcoholic Beverage Control (ABC) regulations, all employees working at these theaters in roles involving the sale, service, or handling of alcoholic beverages must be at least 21 years of age. This requirement ensures compliance with state law and promotes a safe, responsible environment. We trust

that the applicants are fully prepared to adhere to these standards, including any necessary adjustments to staffing to maintain uninterrupted operations.

The Theatre District Neighbors are committed to working collaboratively with the theaters, the Planning Commission, and other stakeholders to ensure that these enhancements benefit the entire community while upholding the highest standards of safety and legality. We urge the Commission to approve this legislation so these license applications are obtained promptly.

Thank you for your time and consideration. We are available for any further discussion or to provide additional input as needed.

Sincerely,

Michael Nulty Co-Ordinator  
Theatre District Neighbors

--

### **Theatre District Neighbors**

**P.O. Box 420846**

**San Francisco, CA 94142-0846**

[theatredistrictneighbors@gmail.com](mailto:theatredistrictneighbors@gmail.com)

**(415) 339-8779**

<https://atasf7.wixsite.com/tdneighbors>

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### **Theatre District Neighbors**

**P.O. Box 420846**

**San Francisco, CA 94142-0846**

[theatredistrictneighbors@gmail.com](mailto:theatredistrictneighbors@gmail.com)

**(415) 339-8779**

<https://atasf7.wixsite.com/tdneighbors>

**From:** [Theatre District Neighbors](#)  
**To:** [Board of Supervisors \(BOS\)](#); [Carroll, John \(BOS\)](#)  
**Cc:** [Mahmood, Bilal \(BOS\)](#); [Chen, Chyanne \(BOS\)](#); [Melgar, Myrna \(BOS\)](#)  
**Subject:** Fwd: ALCOHOL SALES IN MOVIE THEATERS [BOARD FILE NO. 251103]  
**Date:** Friday, January 23, 2026 10:08:13 AM

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----- Forwarded message -----

**From:** Theatre District Neighbors <[theatredistrictneighbors@gmail.com](mailto:theatredistrictneighbors@gmail.com)>  
**Date:** Sun, Jan 11, 2026 at 9:35 PM  
**Subject:** ALCOHOL SALES IN MOVIE THEATERS [BOARD FILE NO. 251103]  
**To:** <[commissions.secretary@sfgov.org](mailto:commissions.secretary@sfgov.org)>  
**Cc:** <[veronica.flores@sfgov.org](mailto:veronica.flores@sfgov.org)>, <[sherrillstaff@sfgov.org](mailto:sherrillstaff@sfgov.org)>

January 11, 2026

San Francisco Planning Commission  
49 South Van Ness Avenue, Suite 1400  
San Francisco, CA 94103

Dear Members of the San Francisco Planning Commission,

I am writing on behalf of the Theatre District Neighbors, a community organization dedicated to supporting the vitality and cultural richness of San Francisco's Theatre District. We represent residents, local businesses, and stakeholders who cherish the area's role as a hub for arts, entertainment, and community engagement.

We strongly support the applications from the subject theaters seeking on-sale liquor licenses for their associated restaurants. These establishments have long been integral to the fabric of our neighborhood, providing world-class performances and fostering a vibrant cultural scene that draws visitors from near and far. Allowing these theaters to incorporate bona fide eating places with beer and wine service (or general on-sale privileges, as applicable) will enhance the overall experience for patrons, encourage longer stays in the district, and contribute positively to the local economy. We believe this aligns with the City's goals of promoting sustainable urban development and supporting the arts.

In extending our support, we also wish to remind all parties involved that, in accordance with California Alcoholic Beverage Control (ABC) regulations, all employees working at these theaters in roles involving the sale, service, or handling of alcoholic beverages must be at least 21 years of age. This requirement ensures compliance with state law and promotes a safe, responsible environment. We trust that the applicants are fully prepared to adhere to these standards, including any

necessary adjustments to staffing to maintain uninterrupted operations.

The Theatre District Neighbors are committed to working collaboratively with the theaters, the Planning Commission, and other stakeholders to ensure that these enhancements benefit the entire community while upholding the highest standards of safety and legality. We urge the Commission to approve this legislation so these license applications are obtained promptly.

Thank you for your time and consideration. We are available for any further discussion or to provide additional input as needed.

Sincerely,

Michael Nulty  
Co-Ordinator  
Theatre District Neighbors

--

**Theatre District Neighbors**

P.O. Box 420846

**San Francisco, CA 94142-0846**

[theatredistrictneighbors@gmail.com](mailto:theatredistrictneighbors@gmail.com)

**(415) 339-8779**

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**From:** [Board of Supervisors \(BOS\)](#)  
**To:** [BOS-Supervisors](#); [BOS-Legislative Aides](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Calvillo, Angela \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [De Asis, Edward \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS-Operations](#); [BOS Legislation, \(BOS\)](#); [Carroll, John \(BOS\)](#)  
**Subject:** FW: ALCOHOL SALES IN MOVIE THEATERS [BOARD FILE NO. 251103]  
**Date:** Thursday, January 22, 2026 3:53:32 PM

---

Hello,

Please see below for communication from Theatre District Neighbors regarding File No. 251103.

**File No. 251103:** Ordinance amending the Planning Code to permit on-site wine, beer, and/or liquor sales in Movie Theaters that also operate as Bona Fide Eating Places, and make conforming changes in the Planning Code definitions of Bar and Bona Fide Eating Place uses; permitting certain Movie Theaters in the Upper Fillmore Neighborhood Commercial District to sell wine and/or beer and offer entertainment, cultural, artistic, dramatic, musical, or leisure activities, performances, or exhibitions without being subject to non-residential use size limits otherwise applicable in the District; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302. (Sherrill)

Sincerely,

**Joe Adkins**  
**Office of the Clerk of the Board**  
**San Francisco Board of Supervisors**  
**1 Dr. Carlton B. Goodlett Place, Room 244**  
**San Francisco, CA 94102**  
**Phone: (415) 554-5184 | Fax: (415) 554-5163**  
[board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

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**From:** Theatre District Neighbors <theatredistrictneighbors@gmail.com>  
**Sent:** Sunday, January 11, 2026 9:36 PM  
**To:** CPC-Commissions Secretary <commissions.secretary@sfgov.org>  
**Cc:** Flores, Veronica (CPC) <Veronica.Flores@sfgov.org>; SherrillStaff <SherrillStaff@sfgov.org>  
**Subject:** ALCOHOL SALES IN MOVIE THEATERS [BOARD FILE NO. 251103]

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

**January 11, 2026**

---

San Francisco Planning Commission  
49 South Van Ness Avenue, Suite 1400  
San Francisco, CA 94103

Dear Members of the San Francisco Planning Commission,

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Thank you for your time and consideration. We are available for any further discussion or to provide additional input as needed.

Sincerely,

Michael Nulty Co-Ordinator  
Theatre District Neighbors

--

**Theatre District Neighbors**

**P.O. Box 420846**

**San Francisco, CA 94142-0846**

[theatredistrictneighbors@gmail.com](mailto:theatredistrictneighbors@gmail.com)

**(415) 339-8779**

<https://atasf7.wixsite.com/tdneighbors>

## Introduction Form

*(by a Member of the Board of Supervisors or the Mayor)*



I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)  
*(Routine, non-controversial and/or commendatory matters only)*
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor  inquires..."
- 5. City Attorney Request
- 6. Call File No.  from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission       Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes                       No

*(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)*

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: