Letter of Determination

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January 26, 2009

Lida Yook Sim Wong 2200 Clement Street San Francisco CA, 94121

RE: Alcoholic Beverage Control Referral (MB0801314 / License File No. 474274)

DBA:

4 Star Theatre

Address:

2200 Clement Street

Assessor's Block/Lot:

1410/017

Zoning District:

Outer Clement Neighborhood Commercial District (NCD)

Dear Ms. Wong:

We are in receipt of your zoning referral for ABC License Type 40 on the above-referenced property. The Planning Department's role in reviewing this zoning referral is to advise the California Department of Alcoholic Beverage Control whether a proposed use is consistent with San Francisco's zoning regulations. In this case, the proposed use is to allow for the on-site sale of beer for consumption as an accessory use to an existing movie theater (dba 4 Star Theater) within the Outer Clement NCD.

The Planning Department will reply affirmatively to the Department of Alcoholic Beverage Control that the intended use is permitted on the subject property if only beer is consumed on the premises and primarily in the main theater auditorium, only sold to and consumed by ticketholders and only immediately before and during performances, and only offered in conjunction with the screening of films and not as an independent element of the establishment that is unrelated to the viewing of films. In making this determination, consideration was taken that on-site beer sales in conjunction with an existing movie theater shall be a permitted use, since on-site beer and wine sales for drinking on the premises is a permitted use in conjunction with the existing full-service restaurants, small self-service restaurants, and large fast food restaurants within the Outer Clement NCD. Please be advised that the on-site sale of beer, wine, and/or liquor with ABC licenses 42, 48, or 61 for drinking on the premises in which no person under 21 years of age is admitted or drinking establishments serving liquor in conjunction with other uses which admit minors with ABC licenses 47 or 49 is considered a new bar use. Currently, new bar uses are not permitted within the Outer Clement NCD under Section 717.41 of the Planning Code. In addition, any bar, restaurant, other entertainment, or any retail establishment which serves liquor for consumption on-site is not considered an accessory use under Section 703.2(b)(1)(C)(ii) of the Planning Code.

If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator, an appeal may be filed with the Board of Permit Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Permit Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Lida Yook Sim 4 Star Theatre 2200 Clement Street San Francisco, CA 94121 January 26, 2009 Letter of Determination 2200 Clement Street

If you have any questions regarding this matter please contact me or my staff Sharon M. Young at (415) 558-6346 or sharon.m.young@sfgov.org.

Sincerely,

Lawrence B. Badiner
Zoning Administrator

cc: Supervisor Mar, District 1

Jim McCormick, Planning Department Department of Alcoholic Beverage Control

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