File No. 120695 Committee Item No. 1
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: City Operations and Neighborhood Ser. Date 9/10/12

Board of Supervisors Meeting Date _____

Cmte	Board	
☐	☐	Motion
☐	☐	Resolution
☐	☐	Ordinance
☐	☐	Legislative Digest
☐	☐	Budget and Legislative Analyst Report
☐	☐	Legislative Analyst Report
☐	☐	Youth Commission Report
☐	☐	Introduction Form (for hearings)
☒	☐	Department/Agency Cover Letter and/or Report
☐	☐	MOU
☐	☐	Grant Information Form
☐	☐	Grant Budget
☐	☐	Subcontract Budget
☐	☐	Contract/Agreement
☐	☐	Form 126 – Ethics Commission
☐	☐	Award Letter
☐	☐	Application
☒	☐	Public Correspondence

OTHER (Use back side if additional space is needed)

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Completed by: Derek Evans Date 9/6/2012
Completed by: _____ Date _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

San Francisco Police Department
ABC Liaison Unit

Alcoholic Beverage License -
Public Convenience and Necessity Recommendation

To: The San Francisco Board of Supervisors' Committee on City Operations & Neighborhood Services

Supervisor Sean Elsbernd
Supervisor Carmen Chu
Supervisor Christina Olague

From: Inspector Julie Lazar
ABC Liaison Unit (ALU) 553-1049

Date: September 4, 2012

Subject: P.C.N. Investigation Regarding: Roxie Theatre
DBA: Roxie Theatre
3117-17th Street
George Rush
(415) 303-8005

George Rush on behalf of the Roxie Theatre has filed an application with the California Department of Alcoholic Beverage Control (ABC) seeking an original license Type 40 (On-Sale Beer) for 3117-16th Street (located on the south side of 16th St. between Albion St. and Valencia St.).

It should be noted that during the application process, notification date for the 500' mailer was on August 2, 2011. The Notice to the Public was posted on July 19, 2011.

For the purposes of this hearing, the California Department of Alcoholic Beverage Control (ABC) seeks a determination from the Board of Supervisors as to the approval or denial of this license.

Police Calls for Service: From August 2011 to August 2012

29 calls for Service

Police Reports: From August 2011 to August 2012

No Record

San Francisco Plot Information:

This premise is located in Plot **413**

The High Crime area is defined as 215 or more reported incidents in a plot.

This plot had **472** reported incidents recorded for *2010.* This is **OVER** the High Crime area definition by **257**.

The applicant premises **is** located in a "High Crime" area.

State Census Tract Information:

This premise is located in Census Tract **202**

Population for this tract is: **6,188**

On-sale license authorized by census tract: **22**
Active on-sale licenses: **37**

Off-sale licenses authorized by census tract: **7**
Active off-sale licenses: **11**

Applicant premises **is** located in an "undue concentration" area.

Letters of Protest:

No record with the California Department of Alcoholic Beverage Control, (ABC).

Letters of Support:

No record with the California Department of Alcoholic Beverage Control, (ABC).

Departmental Recommendation:

No opposition from **Mission Station**

ALU recommends approval. The following conditions have been recommended to the California Department of Alcoholic Beverage Control, (ABC):

1. Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 11:00 a.m. and 1:00 a.m. daily.

2. Sales service and consumption of alcoholic beverages is permitted only on days that the theater has a bona fide theater performance or movie.

3. Sales, service and consumption of alcoholic beverages shall be permitted only to the lobby area as depicted in the ABC-257 dated 5/18/11.

4. Sales, service, and consumption of alcoholic beverages shall be made only from stationary bar or waiter/waitress services, and shall not be sold, served or delivered to customers by individual ambulatory venders.

5. The petitioner shall post sign(s), measuring no less than 12 x12 inches with lettering no smaller than two (2) inches in height that read "No Alcoholic Beverages beyond This Point" at all permitted exits, entrances and entrances to the theatre seating area as depicted on the ABC-257 dated 5/18/11.

6. An employee or security guard shall be assigned the responsibility of ensuring all alcoholic beverages remain inside the permitted lobby area whenever the privileges of the ABC license are being exercised.

7. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.

8. Beer shall be dispensed, sold and served only in containers being no larger than 16 ounce capacity. These containers shall bear distinctive markings making them easily distinguishable from other non-alcoholic beverages provided by the licensee.

9. No person may be served and/or sold more than two containers of beer.

10. The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, as depicted on the ABC-257 dated 5/18/11.

11. Loitering (loitering is defined as "to stand idly about; linger aimlessly without lawful business") is prohibited on any sidewalks or property adjacent to the licensed premises under the control of the licensee as depicted on the ABC-257.

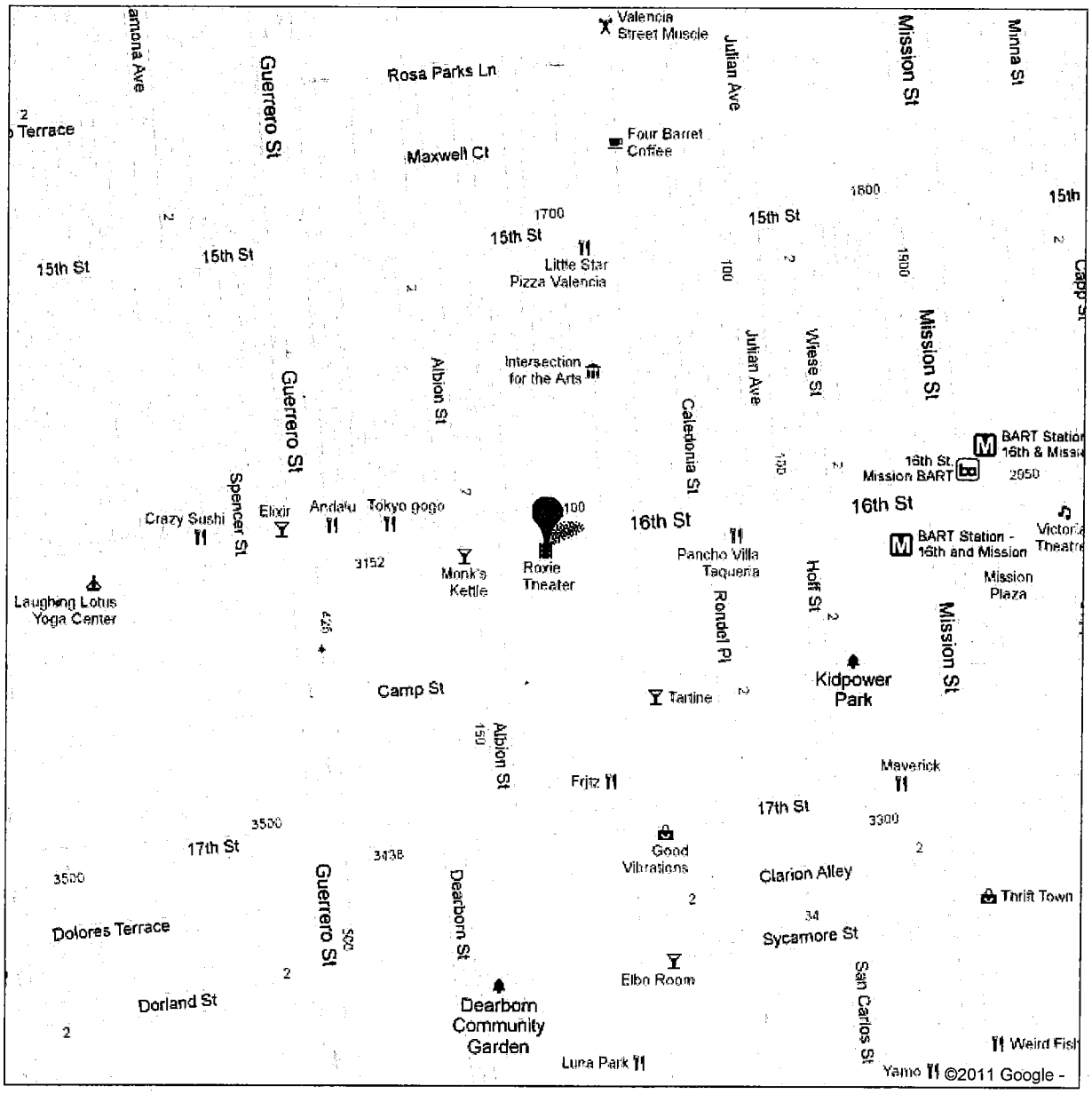
12. No noise shall beg audible beyond the area under the control of the licensee(s) as defined by the ABC-257 dated 5/15/11.

13. The exterior of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the premises. Additionally, the position of such lighting shall not disturb the normal privacy and use of any neighboring residences.

14. The interior lighting maintain therein shall be sufficient to make discernible the appearance and conduct of all persons and patrons in that portion of the premises where alcoholic beverages are sold, served, delivered or consumed.

Google maps Address **3117 16th St**
San Francisco, CA 94110

Get Google Maps on your phone
Text the word **"GMAPS"** to **466453**

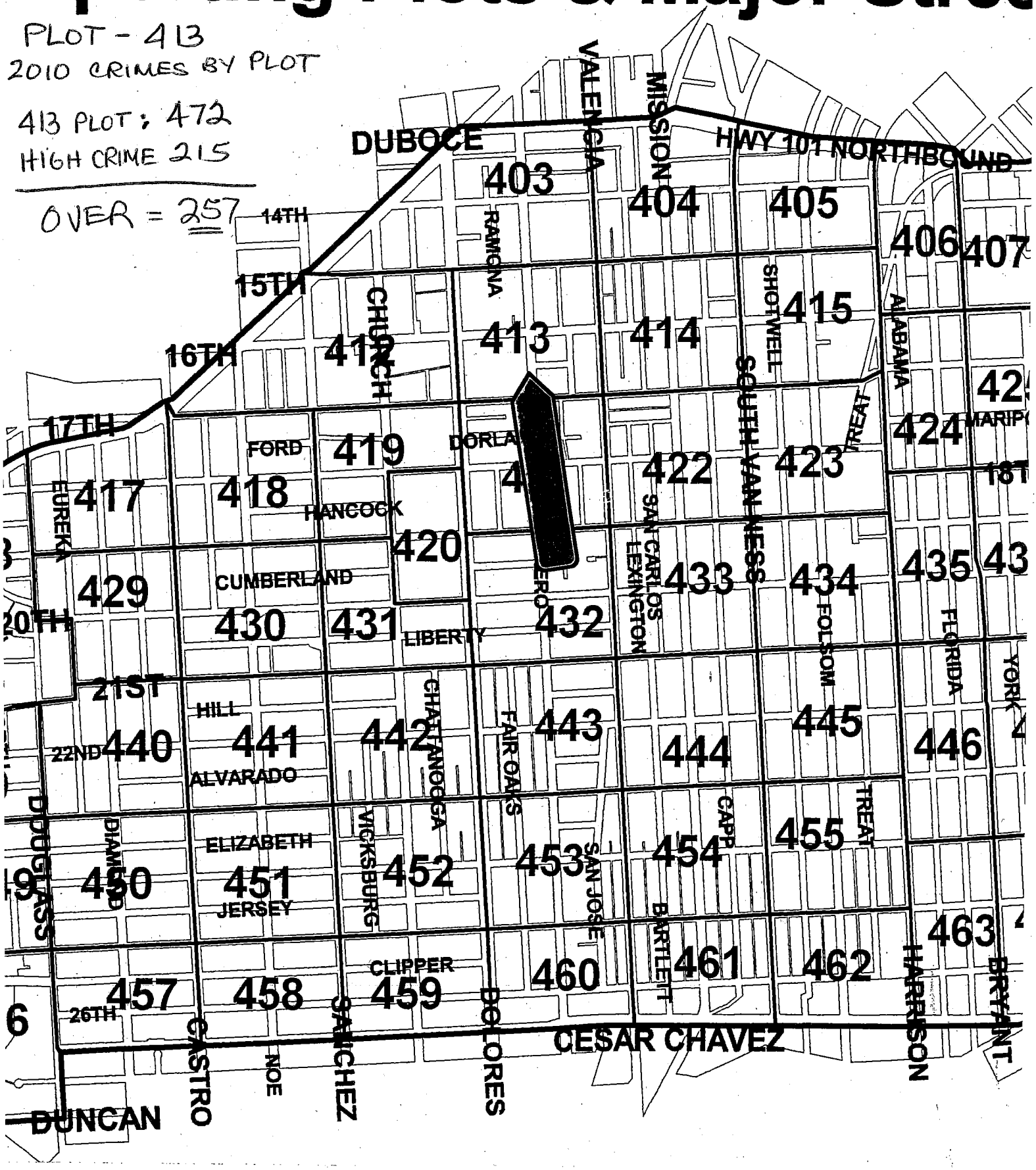


MISSION DISTRICT
Reporting Plots & Major Stree

PLOT - 413
2010 CRIMES BY PLOT

413 PLOT: 472
HIGH CRIME 215

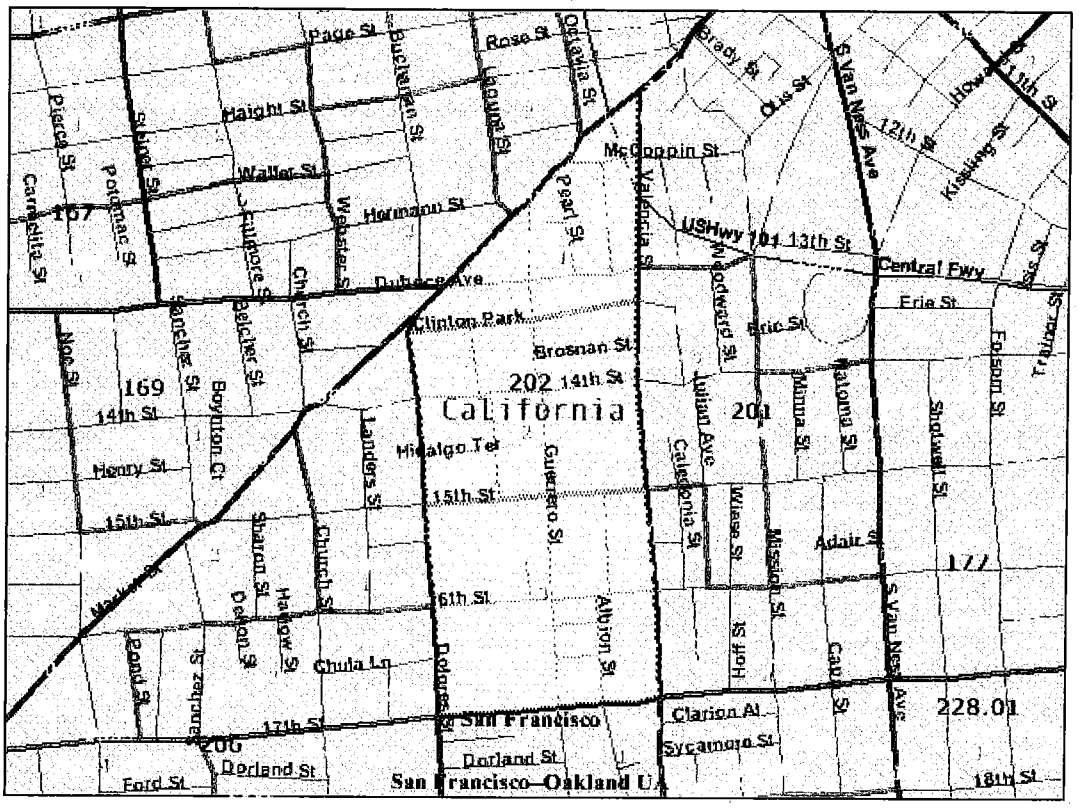
OVER = 257



Census Tract 202, San Francisco County, California

Boundaries
- State
- '00 County
- '00 Census Tract
- '00 Block Group
- '00 Block
- '00 Place
- '00 Urban Area
- '00 Urban Area

Features
- Major Road
- Street
- Stream/Waterbody
- Stream/Waterbody



1.1 mile across

Close

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

PUBLIC NOTICE OF APPLICATION TO SELL ALCOHOLIC BEVERAGES

APPLICANT: The Roxie Theatre

TYPE OF LICENSE: 70 - Off Sale Beer

BUSINESS NAME: Roxie Theatre

ADDRESS OF PREMISES: 3117 - 16th Street, San Francisco, CA 94103

APPLICATION FILED FOR: NEW LICENSE PREMISES TO PREMISES TRANSFER

CHANGE IN LICENSE PRIVILEGES

PROTEST IS TO BE MADE AGAINST THIS APPLICATION, IT MUST BE RECEIVED BY ANY OFFICE OF OR DEPARTMENTAL HEADQUARTERS, 3927 LENNANE DRIVE, SUITE 100, SACRAMENTO 95834, OF DATE POSTED. PROTESTS MUST BE VERIFIED. FURTHER INFORMATION REGARDING THIS VERIFICATION FORMS MAY BE OBTAINED AT

WARNING

08/02/2011

LICENSE TO SELL ALCOHOLIC BEVERAGES.

export To ***New!***

Records **1** through **10** of **10**

Call No	Report No	Received Date	Received Time	Priority	Call Type	Unit ID	Disposition	Location
120102634		01/10/2012	18:31:24	C	917	3D49	ADV	3117 16TH ST
113502760		12/16/2011	18:45:18	C	811	3D115	HAN	3117 16TH ST
113323400		11/28/2011	23:30:52	C	909	3D102	HAN	3117 16TH ST
113222750		11/18/2011	18:48:35	B	601	3D17C	HAN	3117 16TH ST
113192703		11/15/2011	18:37:46	B	917	3D11C	GOA	3117 16TH ST
113143381		11/10/2011	21:22:52	C	917	3D15D	UTL	3117 16TH ST
113063023		11/02/2011	18:39:46	C	587	3P30C	CIT	3117 16TH ST
113030379		10/30/2011	01:34:17	A	418	3D12E	HAN	3117 16TH ST
112283229		08/16/2011	21:30:42	B	917	3D11E	GOA	3117 16TH ST
112173353		08/05/2011	21:45:50	C	917	3X36G	HAN	3117 16TH ST

End of document

export To ***New!***

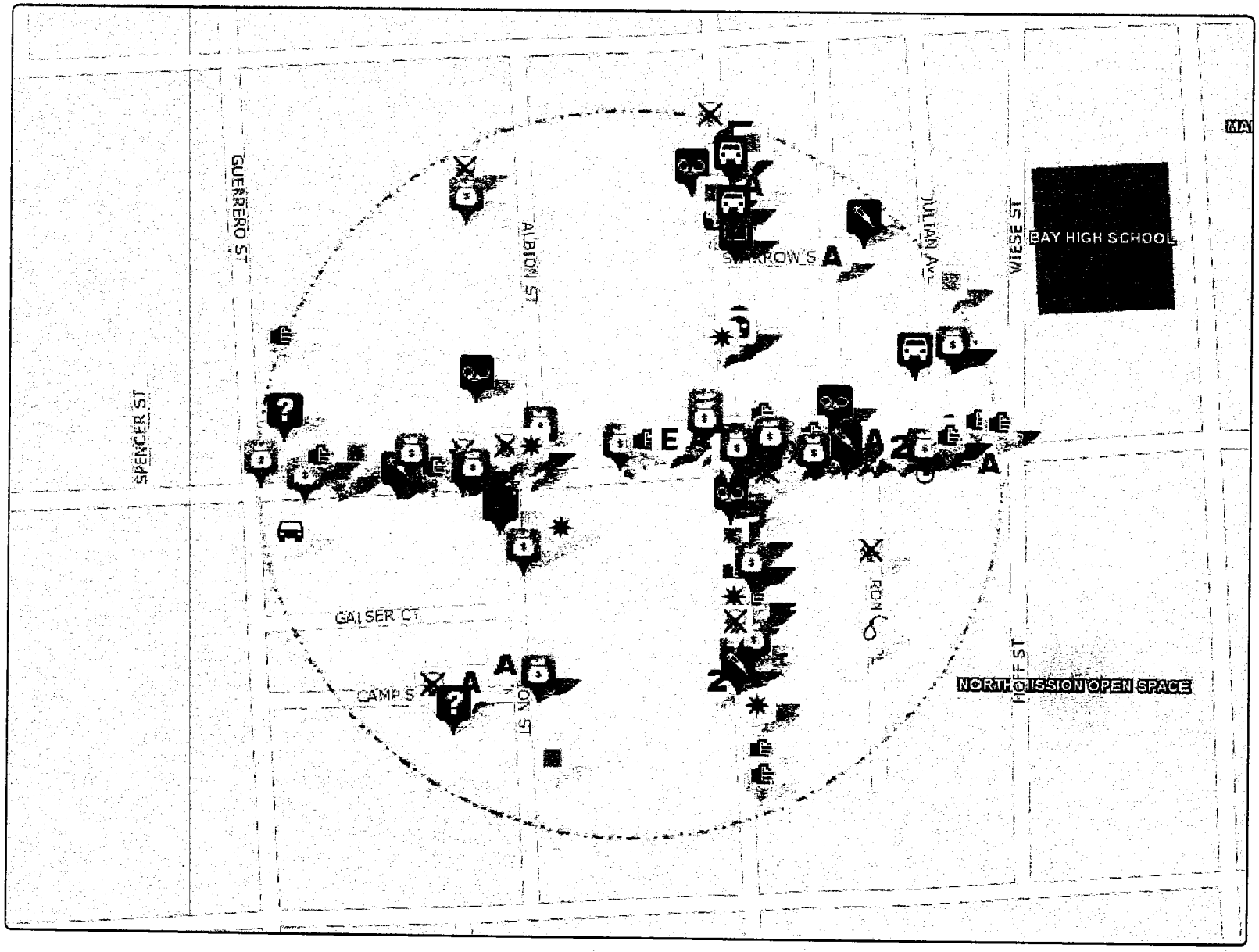
Call No	Report No	Received Date	Received Time	Priority	Call Type	Unit ID	Disposition	Location
122112390		07/29/2012	18:31:34	C	587	3P30C	GOA	3117 16TH ST
122033295		07/21/2012	22:06:13	C	903	3D202	HAN	3117 16TH ST
122033205		07/21/2012	21:44:01	C	903	3D15E	HAN	3117 16TH ST
122033067		07/21/2012	20:52:44	C	903	3D1D	HAN	3117 16TH ST
122032550		07/21/2012	18:06:27	C	903	3D1D	HAN	3117 16TH ST
122032484		07/21/2012	17:42:34	C	903	3D	HAN	3117 16TH ST
122022975		07/20/2012	19:45:40	C	903	3D11D	HAN	3117 16TH ST
122022767		07/20/2012	18:46:33	C	903	3D11D	CANC	3117 16TH ST
122022515		07/20/2012	17:37:03	C	903	3D11D	CANC	3117 16TH ST
121972001		07/15/2012	15:56:13	C	586			3117 16TH ST
121893067		07/07/2012	20:59:32	C	587	3P30C	CIT	3117 16TH ST
121832227		07/01/2012	15:53:45	C	587		CANC	3117 16TH ST
121723242		06/20/2012	20:23:23	C	587	3P30C	CIT	3117 16TH ST
121543377		06/02/2012	23:21:11	C	585	3D62	CIT	3117 16TH ST
120863417		03/26/2012	21:34:28	A	910	3D12E	HAN	3117 16TH ST
120840489		03/24/2012	03:43:24	B	594		CANC	3117 16TH ST
120653305		03/05/2012	21:38:36	B	917	3D12D	ARR	3117 16TH ST
120640395		03/04/2012	02:27:09	C	917	3D12E	ADV	3117 16TH ST
120342804		02/03/2012	18:40:27	B	418		CANC	3117 16TH ST

End of document

3117 16th St- 500' radius

09/06/2011-09/04/2012

San Francisco Police Department



Map Legend

Incidents (687)

- UNKNOWN (1)
- Larceny/Theft (130)
- Warrants (89)
- Non-Criminal (83)
- Assault (78)
- Other Offenses (76)
- Drug/Narcotic (52)
- Warrants (36)
- Vandalism (26)
- Fraud (20)
- Robbery (15)
- Secondary Codes (15)
- Suspicious Occurrence (13)
- Vehicle Theft (9)
- Burglary (8)
- Weapon Laws (7)
- Missing Person (5)
- Drunkenness (3)
- Forgery/Counterfeiting (3)
- Sex Offenses, Forcible (3)
- Recovered Vehicle (3)
- Trespassing (2)
- Kidnapping (2)
- D.U.I. (2)
- Arson (1)
- Bad Checks (1)
- Stolen Property (1)
- Suicide (1)
- Extortion (1)
- Liquor Laws (1)

All representations on this map are distributed and transmitted "AS IS" without warranties of any kind, either expressed or implied including without limitation, warranties of title or implied warranties of merchantability or fitness for a particular purpose. In no event shall San Francisco Police Department become liable to users of these data for any loss or damages, consequential or otherwise, including but not limited to time, money, goodwill, arising from the use, operation or modification of the data. The visual presentation of data is being provided strictly as a courtesy, not as an obligation to its users.

WARNING: This map does not meet the national map accuracy standards.

CrimeView Server

Printed: 9/5/2012 9:04:59 AM

LIQUOR LICENSE REVIEW

TO: Planning Department
AnMarie Rodgers/CTYPLN/SFGOV
Georgia Powell/CTYPLN/SFGOV@SFGOV
Fax No.: 558-6409

File: 120695

Block/lot: 3568/067
Zoning: Valencia St NCT
Quad: SE
MB # 1201289

TO: Inspector Kenneth Stocker
Police Department
Fax No.: 553-1463

DATE: June 19, 2012

This item is scheduled to be heard at a meeting on August 6, 2012. **PLEASE EMAIL YOUR RESPONSE BY:** August 2, 2012, to Derek Evans, Clerk, City Operations and Neighborhood Services Committee.
Derek.Evans@sfgov.org - Fax No: 554-7714

Applicant Name: George Rush
and Business Name: Roxie Theater/Film Center (3117 16th Street)

Applicant Address: 220 Montgomery Street, Suite 411
San Francisco, CA 94104
and Phone No. (415) 303-8005

PLANNING COMMENTS: ☒ **Approval** ☐ **Denial**

RECOMMEND APPROVAL PER PC SECTION 249.60(c)
SALE OF ALCOHOLIC BEVERAGES ONLY FOR THEATER
LOCATED AT 3117 16TH STREET.

JUNE 21, 2012

POLICE COMMENTS: ☐ **Approval** ☐ **Denial**

LAW OFFICES
OF
GEORGE M. RUSH

File #: 120695

June 11, 2012

Received via email
6/12/12 4:33 pm

Clerk of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, California 94118

Re: Request for "PCN"

To the Clerk of the Board:

I am the legal representative for the Roxie Theater, and am writing to you on its behalf to request a public convenience and necessity resolution from the San Francisco Board of Supervisors regarding the Roxie's request for an alcohol license.

An alcohol license for the Roxie Theater will serve the public convenience and necessity in the Mission neighborhood as well as citywide for the following reasons:

The Roxie is a California non-profit corporation and has 501(c)(3) status. Over the past year, the Roxie has used its non-profit status to obtain day-use permits for on-site alcohol sales. The response from the community was so positive that the Roxie would like to make alcohol sales on its premises permanent. During this time, neither the Roxie's neighbors nor anybody else within the subdistrict has complained about loitering, public drunkenness, or any other problems related to the consumption of alcohol on the Roxie's premises. Furthermore, the sale of beer has brought in much needed funds to the non-profit theater, which has been serving the city of San Francisco for over a century.

It is a growing concern in San Francisco that single-screen theaters are dying. San Francisco is one of the few American cities that still has neighborhood movie theaters. Theaters like the Roxie live on as focal points of community discourse and assembly. The Roxie seeks to provide a venue for the little picture, the films and documentaries that help educate the public about important issues large-studio films rarely address. Without a place like the Roxie Theater, these films will not have a chance in the current market. An alcohol license for the Roxie will help the theater stay financially afloat and allow it to continue to provide a venue where the community can see the important small films, which are rarely, if ever, showcased at the Megaplex.

The subdistrict legislation already allows Non-Profit Theaters under Section 781.8(c)(2) to obtain alcohol licenses. These non-profit theaters are provided with such licenses because they require the extra income from alcohol sales to remain operational. While the Roxie Theater is also a non-profit theater, the legislation requires that the non-profit theater show "any act, play, revue, pantomime, scene, song, dance act." The Roxie,

220 MONTGOMERY STREET, SUITE 411 • SAN FRANCISCO, CA • 94104

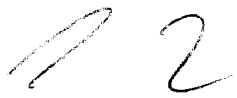
however, only presents movies. This distinction is the only portion of the legislation that prevents the Roxie from obtaining a liquor license.

The Roxie has been around for 102 years and loves serving its local community and the larger community of San Francisco. Neighborhood theaters like the Red Vic in Haight-Ashbury have already had to close their doors because they were not profitable. An alcohol license for the Roxie would help prevent this historic San Francisco landmark from having to shut down as well.

For the reasons stated above, the Roxie respectfully requests that the Clerk of the Board permit a public convenience and necessity resolution.

Please feel free to contact me if you have any further questions or concerns. Thank you in advance for your consideration.

Best Regards,



George Rush
Attorney at Law

Cc: Kenneth Stocker
Police Department Inspector

220 MONTGOMERY STREET, SUITE 411• SAN FRANCISCO, CA • 94104
PHONE: 415 392 8005 • FAX: 415 392 8021

Re: Fw: scheduling at CONS
Sunny Angulo to: Linda Wong
Cc: Derek Evans

06/18/2012 05:58 PM

Thank you, Linda!
The address for the Roxie Theater/Film Centre is 3117 16th Street.

Best,

Sunny Angulo
Legislative Aide, District 6

V : 415.554.7969
F : 415.554.7974
Sunny.Angulo@sfgov.org

Linda Wong Hi Derek, Could you please check on the status... 06/18/2012 02:58:49 PM

From: Linda Wong/BOS/SFGOV
To: Derek Evans/BOS/SFGOV@SFGOV
Cc: Sunny Angulo/BOS/SFGOV@SFGOV
Date: 06/18/2012 02:58 PM
Subject: Fw: scheduling at CONS

Hi Derek,

Could you please check on the status of the liquor license and respond directly to Sunny?

Thanks in advance.

Best,
Linda Wong
Board of Supervisors / SF LAFCo
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Phone: 415.554.7719
Fax: 415.554.7714

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.
http://www.sfgov.org/site/bdsupvrs_form.asp?id=18548

----- Forwarded by Linda Wong/BOS/SFGOV on 06/18/2012 02:59 PM -----

From: Sunny Angulo/BOS/SFGOV
To: Linda Wong/BOS/SFGOV@SFGOV
Date: 06/18/2012 12:10 PM
Subject: RE: scheduling at CONS

Hi, Linda.

I wanted to follow up on the status of a scheduling request for the CONS calendar.
We have a District 6 non-profit that has applied for a beer license and my understanding is that they submitted their request to the Clerk's office last week, and I wanted to see what the projected calendaring might look like.

Thank you,

Sunny Angulo
Legislative Aide, District 6

V : 415.554.7969
F : 415.554.7974
Sunny.Angulo@sfgov.org

further information for the roxie
George Rush
to:
derek.evans
06/19/2012 01:42 PM
Hide Details
From: George Rush <george@gmrush.com>
To: <derek.evans@sfgov.org>,

Type of license--40
Business hours—weekdays: 6pm-11pm

weekends: 3pm-11pm

Thanks.

George

Law Office of George M. Rush

220 Montgomery Street, Suite 411

San Francisco, CA 94104

Tel.: 415.393.8005

Fax.: 415.393.8021

www.gmrush.com

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