

File No. 240591

Committee Item No. 2

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Public Safety and Ngbh Services

Date: July 11, 2024

Board of Supervisors Meeting:

Date: _____

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract / DRAFT Mills Act Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER

- Police Department Report – 062724
- Planning Department Review – 070124
- PC or N Referral to Planning and Police – 053124
- PC or N Request Letter – 052924
- Comm Rpt Rqst Memo 070224
- _____
- _____
- _____
- _____

Prepared by: Monique Crayton

Date: July 5, 2024

Prepared by: _____

Date: _____

Prepared by: _____

Date: _____



San Francisco Police Department
ABC Liaison Unit



Alcoholic Beverage License -
*Public Convenience or
Necessity Recommendation*

To: The San Francisco Board of Supervisors' Committee on Public Safety
and Neighborhood Services

**Supervisor Catherine Stefani
Supervisor Matt Dorsey
Supervisor Joel Engardio**

From: Lt. Stephen Jonas #79
Officer in Charge
ALU/Permits Unit 415-553-9550

*A/SGT. ANDREW FROINES #2050 AF#2050
For Lt. Jones*

Date: June 25, 2024

Subject: P.C.N. Investigation Regarding: First Owner: Faight Collective SF LLC.
DBA: The Faight
475 Haight St.
San Francisco CA. 94117
ABC File # 90-658838

Faight Collective SF LLC., operating as "The Faight", has filed an application with the California Department of Alcoholic Beverage Control seeking a Type 90 (On Sale General Music Venue) license to be located at 475 St. (located between Webster and St. and Fillmore St.)

Hours of Operation:

10am to 2am each day of the week.

Digest:

"Faight Collective LLC." would like to operate a Live Entertainment Venue to be located at 475 Haight St. If approved, this license will allow them to sell Wine, Beer, and Distilled Spirits.

Letters of Protest

1 - Denied

Letters of Support

0

Police Calls for Service:

From May 7, 2023 to May 7, 2024

0 calls for service

Police Reports:

From May 7, 2023 to May 7, 2024

0 police reports

San Francisco Plot Information:

This premise is located in Plot: **561b**

A High Crime area is defined as **103** or more police reports in a plot for the year of **2023**.

This plot had 130 police reports for **2023**, which is 27 **Higher** than the **Citywide “High Crime”** average.

State Census Tract Information:

This premise is located in Census Tract: **168.01**

Population for this tract is: **4,282**

On-sale license authorized by census tract: **14**

Active on-sale licenses: 29 with 0 pending

Off-sale licenses authorized by census tract: **5**

Active off-sale licenses: 3 with 0 pending

Departmental Recommendation:

Points of consideration: **0**

No opposition from **Northern Station**.

Applicant premise **is** located in a “**High Crime**” area.

Applicant premise **is** located in a “**High Concentration**” area.

1 - Protest.

0 - Support

ALU Recommendation: **Approval with the condition:**

1. Petitioner(s) shall actively monitor the area under their control in an effort to prevent the loitering of persons on any property adjacent to the licensed premises as depicted on the ABC-253.
2. 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 ABC-253.
3. (1) Except as provided in Condition 2 below, no noise shall be audible beyond the area under the control of the licensee. (SF district office only).

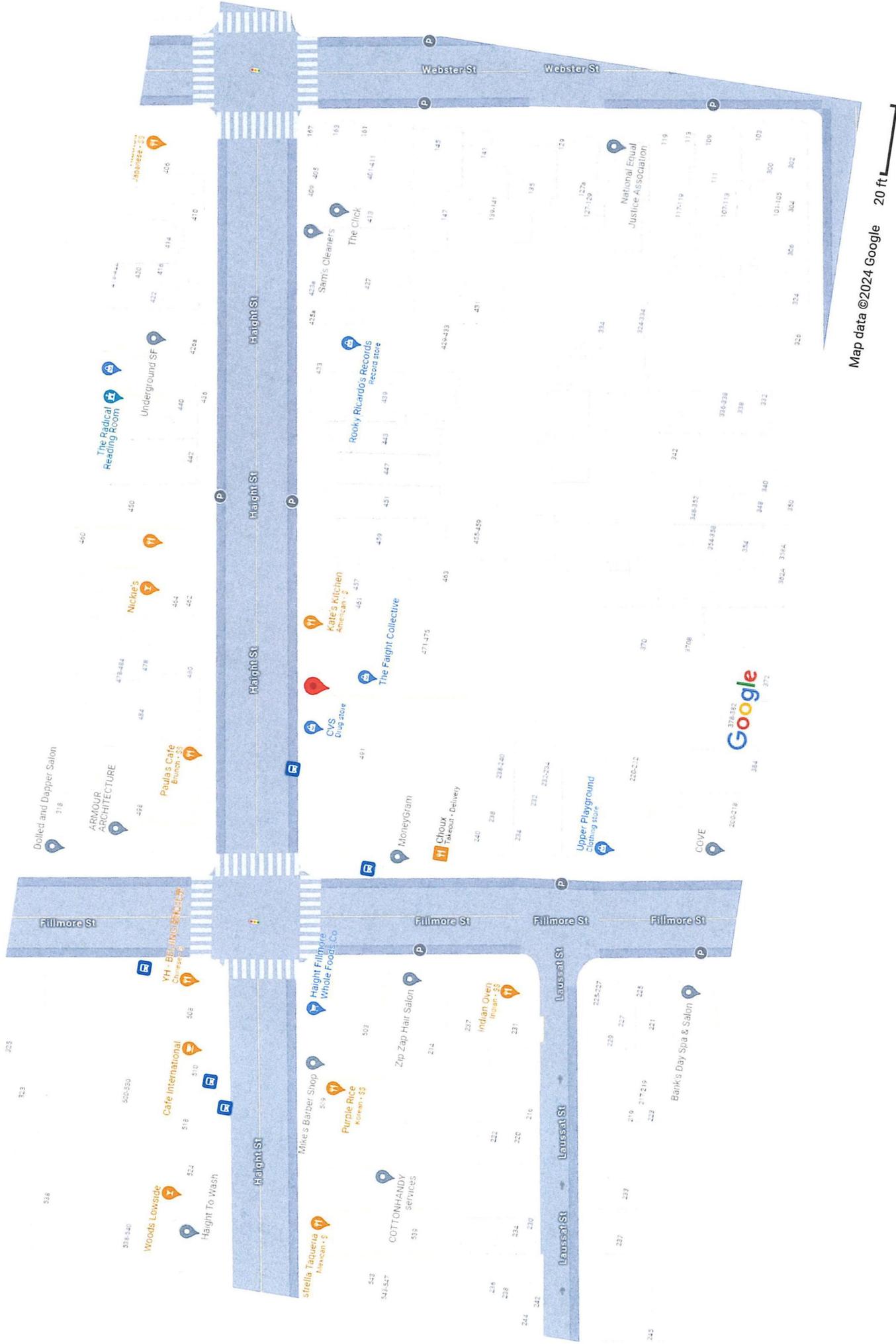
(2) Any noise caused by entertainment or amplified sound that is subject to the provisions of an active Entertainment Permit issued by the San Francisco Entertainment Commission shall be authorized in accordance with the limits established by that Entertainment Permit, including any limitation on hours during which entertainment or amplified sound is permitted. A violation of the entertainment or amplified sound noise conditions of the Entertainment Permit, as determined by the San Francisco Entertainment Commission (or any successor agency), shall be deemed to be a violation of this Condition. Any noise that is not subject to, or is beyond the scope of, the Entertainment Permit shall be subject to Condition 1 above.

“Entertainment Permit” means any of the following: a Just Add Music permit, a Limited Live Performance permit, a Place of Entertainment permit, a Fixed Place

Amplified Sound permit, or any similar such permit issued by the San Francisco Entertainment Commission. (SF district office only)

4. At any time, the premise is providing live entertainment, the petitioner(s) shall have two (2) uniformed security guard(s) on the premises and shall maintain order therein to prevent any activity which would interfere with the quiet enjoyment of their nearby residents, or the surrounding community. The uniform security guards must be licensed by the State of California Department of Consumer Affairs.

Google Maps 475 Haight St



Map data ©2024 Google 20 ft

BOARD of SUPERVISORS



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

LIQUOR LICENSE
PUBLIC CONVENIENCE OR NECESSITY REFERRAL

TO: Planning Department
Attn: _____
Phone No. _____

DATE: May 31, 2024

TO: Police Department
Andrew Froines
Phone No. (415) 837-7254

AP Block/Lot Nos.: 0859/038
Zoning: NCD - Lower Haight Street
Neighborhood Commercial District - 40X
Quad: _____
Record No.: _____

Please submit your response within two weeks. The Public Safety and Neighborhood Services Committee will tentatively schedule the PC or N hearing for a regular meeting in July of 2024.

PLEASE EMAIL YOUR RESPONSE by June 12, 2024, to:
Monique Crayton, Public Safety and Neighborhood Services Committee Clerk.
monique.crayton@sfgov.org ~ (415) 554-7750

Applicant name: FAIGHT COLLECTIVE SF LLC

Business name: THE FAIGHT

Application address: 475 Haight Street

Applicant contact info: Daniel James Bondi
949-289-0591
dan@thefaight.com

Andrew James Wasilewski
949-212-1424
andrew@thefaight.com

PLANNING REVIEW: [] Approval [] Denial

Planning Staff Contact: _____
(Please add comments on a trailing page.)

POLICE REVIEW: [] Approval [] Denial

(Please add comments in a trailing report.)

Type 90 - On-Sale General Music Venue License Type allowed. Limited Live Performances at the subject property are considered an authorized accessory use to the primary general retail use and permitted in NC districts. Therefore the Type 90 license is in compliance with the legal land uses.

Recommend Approval
7/1/2024

Elizabeth Gordon Jonckheer, Principal Planner Elizabeth Gordon Jonckheer
Districts 5 & 8 and Historic Preservation, Current Planning Division San Francisco Planning
elizabeth.gordon-jonckheer@sfgov.org / 628-652-7365

From: [Crayton, Monique \(BOS\)](#)
To: [CPC.Referrals](#); [Froines, Andrew \(POL\)](#); dan@thefaight.com; andrew@thefaight.com
Cc: [Alabanza, Analyn@ABC](#); amarjit.tamber@abc.ca.gov; [Wong, Joanne \(POL\)](#); [Jonas, Stephen \(POL\)](#); [Logan, Sam \(BOS\)](#); [Bolen, Jennifer M.\(BOS\)](#); [Hernandez, Melissa G \(BOS\)](#); [Kilgore, Preston \(BOS\)](#); [Lovett, Li \(BOS\)](#); [Dito, Matthew \(CPC\)](#); [Carroll, John \(BOS\)](#)
Subject: Liquor License Issuance- 475 Haight Street - The Faight - BOS File No. 240591
Date: Friday, May 31, 2024 5:09:00 PM

Greetings,

The office of the Clerk of the Board has received a letter requesting public convenience or necessity findings for a liquor license issuance. I'm referring this matter to you for response via the following linked document:

[Referral Letter - Planning and Police Departments – May 31, 2024](#)

You may review the entire matter on our [Legislative Research Center](#) by following the link below:

Board of Supervisors [File No. 240591](#)

After receiving review from the Planning and Police Departments, the Public Safety and Neighborhood Services Committee may hear and consider public convenience or necessity findings for the application, to be forwarded to the California Department of Alcoholic Beverage Control for consideration in the license matter.

The Public Safety and Neighborhood Services Committee will tentatively schedule this hearing for a regular meeting in July of 2024.

I request the Planning Department's response before June 12, 2024. Please confirm receipt of this message.

You may review the fact sheet for public convenience or necessity requests from the San Francisco Board of Supervisors via the following link:
[Liquor License Public Convenience or Necessity Request](#)

Thanks for the review.

Monique C. Crayton (she/her)

Assistant Clerk

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-7750 | Fax: (415) 554-5163

monique.crayton@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

MARK E. RENNIE
ATTORNEY AT LAW
1222 SUTTER STREET
SAN FRANCISCO, CALIFORNIA 94109

(415) 981-4500

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2024 APR 29 PM 2:08


Y _____

April 24, 2024

Angela Calvillo
Clerk of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

Via Messenger

Re: GST, LLC dba Great Star Theater
Original California ABC Liquor License Transfer- Type 90 Music Venue License
636 Jackson Street, San Francisco, CA 94133
Public Convenience and Necessity Determination Request
ABC Type-90 —Music Venue General License.

Dear Ms. Calvillo:

This office represents GST, LLC dba Great Star Theater. My client has applied to the California Department of Alcoholic Beverage Control (ABC) for an original Type-90 Music Venue General License. Currently GST is operating a music /entertainment venue at this location with no ABC license presently at this theater. The theater and entertainment operation of the business under the proposed new ABC license will remain identical.

A Type-90 ABC license is a relatively new license (2023) that authorizes the sale of beer, wine, and distilled spirits at retail for consumption on the premises in a music entertainment facility, as defined in Business and Professions Code Section 23550. Sale, service, and consumption of alcoholic beverages are limited to the time period from 2 hours before a live performance until one hour after the live performance. Minors are allowed on the premises.

There are surrounding residences within 100 feet of this music venue and theater. The Great Star Theater has been consistently used for live performances, Chinese Opera and Other Entertainment use for over 50 years. A letter of Determination was issued by the SF Planning Department on December 4, 2015 which confirms the use of this location for Other Entertainment and Movie Theater Use. A Copy of this Letter of Determination is attached as Exhibit A. Our location has served the community well for many years. This request is to allow GST, LLC to add a Type-90 ABC license to the premises.

The area is zoned Chinatown Residential Neighborhood Commercial (CRNC). We do not see any

problems with the San Francisco Police Department approving this new ABC license, with conditions. We have the support for this application from many of our neighbors, and are open to the imposition of conditions, if necessary, to this license. We have the support of this application, also, from local community and arts groups.

GST, LLC is locally owned, and thus revenue and taxes from the business will stay in the community. This new license will allow GST, LLC to remain open and viable, will sustain the pedestrian traffic to other businesses in the neighborhood, and keep more “eyes on the street” and make the neighborhood safer after 10 PM. Like many small businesses in San Francisco, the COVID-19 shutdown has been problematic for this venue.

Great Star Theater has been well-managed by the current owners and non-problematic since 2019. There have been no noise complaints and minimal police issues since the business opened five years ago. My client will continue with this new ABC music venue license to be respectful to the neighborhood and to its customers. GST, LLC is committed to providing a welcoming atmosphere, top-notch entertainment, music, theater, and great service. Foremost, they will be Good Neighbors.

For the reasons outlined above, applicant GST, LLC dba Great Star Theater respectfully requests that this letter be forwarded to the Public Safety & Neighborhood Services Committee of the Board and that this Committee and the full Board of Supervisors make a determination under California Business and Professions Code Section 23958.4 that the public need or convenience would be served by allowing this new ABC Type-90 liquor license to issue at this location.

Thank you for your consideration of this request.

Yours truly,



Mark E. Rennie

MER/mb

Cc: Officer-in-Charge SFPD ALU



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

December 4, 2015

Paul Nathan, Executive Director
The Great Star Theater
43 Dore Street
San Francisco CA 94103

Site Address:	636 Jackson Street
Assessor's Block/Lot:	0177/006
Zoning Districts:	Chinatown Residential Neighborhood Commercial (CRNC) Chinatown Visitor Retail (CVR)
Staff Contact:	Carly Grob, (415) 575-9138 or carly.grob@sfgov.org
Record No.:	2015-013670ZAD

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Dear Mr. Nathan:

This letter is in response to your request for a Letter of Determination regarding the property at 636 Jackson Street (dba Great Star Theater). The northern half of this parcel is located in the Chinatown Residential Neighborhood Commercial (CRNC) Zoning District and the southern half of this parcel is located within the Chinatown Visitor Retail (CVR) Zoning District. The request is to determine if the historic uses of the Great Star Theater, including Other Entertainment (defined in Section 890.37) and Movie Theater (defined in Section 890.64) uses, have been abandoned, or if these uses may continue as nonconforming uses. In the CRNC Zoning District, Movie Theaters require Conditional Use Authorization, and Other Entertainment uses are not permitted. In the CVR Zoning District, Movie Theater uses are not permitted, and Other Entertainment uses are only permitted in conjunction with an existing restaurant.

Planning Code Section 183 states that whenever a nonconforming use has been changed to a conforming use, or discontinued for a continuous period of three years, or whenever there is otherwise evident a clear intent on the part of the owner to abandon a nonconforming use, such use shall not be reestablished, and the use of the property thereafter shall be in conformity with the use limitations of this code for the district in which the property is located. The applicant must demonstrate that both the Other Entertainment Use and Movie Theater use have not been abandoned for more than three years, or the Department must apply the current zoning regulations to the parcel, and these uses are now regulated differently.

The subject building was approved under Building Permit Application 130825 and was constructed as a Class A Theater in 1925. According to documents retrieved from Case No. 1986.705T, the subject parcel was zoned C-2 (which principally permitted a theater use) until June 12, 1986. On this date, the current zoning became effective and the theater became a legal, nonconforming Other Entertainment/Movie Theater use.

EX A,

Paul Nathan, Executive Director
The Great Star Theater
43 Dore Street
San Francisco CA 94103

December 4, 2015
Letter of Determination
636 Jackson Street

Other Entertainment Use:

Since the subject property was re-zoned in 1986, the applicant has provided the following information to demonstrate that The Great Star Theater has been consistently used for live performances, specifically Chinese Opera, and that the Other Entertainment Use would not be considered abandoned per Planning Code Section 183:

- An affidavit from Beverly Dong, stating that she has produced Chinese Opera shows at the Great Star Theater on Jackson Street from 1970 to 2010. Attached to this affidavit are business licenses in Ms. Dong's name for the Beverly Cantonese Opera ranging from 2003 and 2013;
- An affidavit from Mrs. Juley Zhu who operated the Heng Loong Foreign Exchange at 626 Jackson next door to the theater from 1987 to 2007. In this affidavit, Mrs. Zhu states that the theater presented Chinese Opera, Peking, Opera, and Cantonese Opera live on stage the entire time they were operating their business next door;
- Theater Rental Agreements have been provided for numerous performances from 2002 to 2006. Similarly to the commercial leases provided, the Theater Rental Agreements indicate an operating agreement for a live performance, including references to box office sales and admissions, costumes, scenery, lighting, sound systems, and security. Many of these documents also reference theater troupes and cultural performance companies; and
- Commercial leases for the following live performances taking place on August 8, 2015, October 17-20, 2014, September 7, 2014, May 24-25, 2014, October 6, 2013, July 14, 2013, June 24, 2012, September 25, 2011, and July 2, 2011. In some cases, the leases reference Chinese Opera companies specifically, while in others, the lease more generally references rehearsal dates, stage lighting, and sound systems associated with live performances.

There is sufficient information to establish that the Other Entertainment use has operated continuously on the premises since 1986 without interruption of three years or more that would have been deemed an abandonment of a nonconforming use.

Movie Theater Use:

The applicant has supplemented Department records and has provided the following information to demonstrate that The Great Start Theater has been continuously used as a movie theater and that such use would not be considered abandoned per Planning Code Section 183:

- A permit application from the San Francisco Fire Department for the Hong Kong Film Center Inc., d.b.a. the Great Star Theatre;
- An affidavit from Mrs. Juley Zhu who operated the Heng Loong Foreign Exchange at 626 Jackson next door to the theater from 1987 to 2007. In this affidavit, Mrs. Zhu states that films were shown from 1987 to 1996, and that occasional films were shown until 2007;
- Records the applicant which list bilingual information about the films being shown spanning between 1992 and 1996.

Ex A₂

Paul Nathan, Executive Director
The Great Star Theater
43 Dore Street
San Francisco CA 94103

December 4, 2015
Letter of Determination
636 Jackson Street

- A Department of Public Health referral for the snack bar which indicates use as a movie theater from April, 1992, June, 1996 and June, 1998;
- A copy of the reverse telephone directory from March, 1998 indicating that the operation name at 636 Jackson was "Asian Film Releasing Inc.";
- Receipts from film distribution companies from March, 1996 and July, 1999;
- Use as a movie theater beginning in 2010 is referenced in a KQED Article from March, 2012, which also included showtimes for the film *Getting Home*;
- Asianweek.com article featuring showtimes in November, 2012, and
- SF Gate Article from March, 2014 with additional information about two films being shown as part of a movie festival.

The Department has determined that there is sufficient information to demonstrate that the Movie Theater use has operated continuously on the premises since 1986 without interruption of three years or more that would have been deemed an abandonment of a nonconforming use.

APPEAL: 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 Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely,



Scott F. Sanchez
Zoning Administrator

cc: Carly Grob, Planner
Property Owner
Neighborhood Groups
BBN Requestor

Attachments: Department of Public Health Referrals for a Snack Bar
Copy of Reverse Telephone Directory listing from March, 1998
KQED article from March, 2012
Asianweek.com article from November, 2012
SF Gate Article from March, 2014

Department of Alcoholic Beverage Control
APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE
 ABC 211 (6/99)

State of California

Mark Rennie

TO: Department of Alcoholic Beverage Control
 33 NEW MONTGOMERY STREET
 STE 1230
 SAN FRANCISCO, CA 94105
 (415) 356-6500

File Number: **656289** *(415) 621-2300*
 Receipt Number: **2866712**
 Geographical Code: **3800**
 Copies Mailed Date: **February 2, 2024**
 Issued Date:

DISTRICT SERVING LOCATION: **SAN FRANCISCO**

First Owner: **GST LLC**
 Name of Business: **GREAT STAR THEATER THE**
 Location of Business: **636 JACKSON ST
 SAN FRANCISCO, CA 94133-5007**

County **SAN FRANCISCO**

Is Premises inside city limits **Yes** Census Tract: **0611.01**

Mailing Address:(If different from premises address)

Type of license(s): **90** Dropping Partner: Yes No

Transferor's license/name:

<u>License Type</u>	<u>Transaction Type</u>	<u>Master</u>	<u>Secondary LT And Count</u>		
90 - On-Sale General Music Venue	ORI	Y			
<u>License Type</u>	<u>Transaction Description</u>	<u>Fee Code</u>	<u>Dup</u>	<u>Date</u>	<u>Fee</u>
Application Fee	FEDERAL FINGERPRINTS	NA	2	02/02/24	\$48.00
Application Fee	STATE FINGERPRINTS	NA	2	02/02/24	\$78.00
Application Fee	ADD PRIMARY LICENSE TYPE	NA	0	02/02/24	\$18,635.00
90 - On-Sale General Music Ven	ANNUAL FEE	P40	0	02/02/24	\$1,450.00
Total					\$20,211.00

Have you ever been convicted of a felony? **No**
 Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? **No**

STATE OF CALIFORNIA County of SAN FRANCISCO Date: February 2, 2024

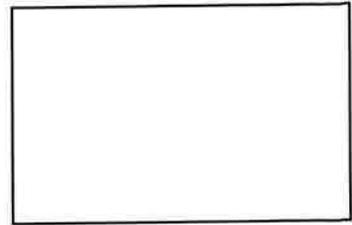
Applicant Name(s)

GST LLC

RECEIVED
 BOARD OF SUPERVISORS
 SAN FRANCISCO
 2024 FEB - 6 AM 9: 03
 BY *[Signature]*

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 _____ inquiries..."
- 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):

Clerk of the Board

Subject:

Liquor License Issuance- 475 Haight Street - The Faight

Long Title or text listed:

Hearing to consider that the issuance of a Type-90 on-sale general music venue liquor license to Faight Collective SF LLC, to do business as The Faight located at 475 Haight Street (District 5), will serve the public convenience or necessity of the City and County of San Francisco.

240591

Signature of Sponsoring Supervisor:

[Handwritten Signature]