

File No. 160399

Committee Item No. 1

Board Item No. 26

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Comm: Public Safety & Neighborhood Services

Date: Nov 8, 2017

Board of Supervisors Meeting:

Date: _____

Cmte Board

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- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
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- Grant Information Form
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- Contract/Agreement
- Form 126 – Ethics Commission
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- Application
- Public Correspondence

OTHER

- Police Department Response - November 1, 2017
- Planning Department Response - September 18, 2017
- Referral - May 11, 2016
- Applicant PC or N Request Letter - May 9, 2016
- _____

Prepared by: John Carroll

Date: Nov 2, 2017

Prepared by: V Young

Date: 11/9/17

PREPARED IN COMMITTEE
11/8/17

FILE NO. 160399

RESOLUTION NO.

1 [Liquor License - 2149 Chestnut Street - Marina Theatre]

2
3 **Resolution determining that the issuance of a Type 40 on-sale beer license to**
4 **Frank Lee Jr., for Marina Theatre, located at 2149 Chestnut Street (District 2), will**
5 **serve the public convenience or necessity of the City and County of San**
6 **Francisco in accordance with California Business and Professions Code, Section**
7 **23958.4, and recommending that the California Department of Alcoholic Beverage**
8 **Control impose conditions on the issuance of the license.**

9
10 WHEREAS, Frank Lee Jr. is seeking the issuance of a Type 40 on-sale beer
11 license for Marina Theatre, located at 2149 Chestnut Street; and

12 WHEREAS, The Planning Department has verified that the area is properly
13 zoned and recommends approval; and

14 WHEREAS, The Police Department has filed zero (0) protests and zero (0)
15 letters of support with the Department of Alcoholic Beverage Control under California
16 Business and Professions Code, Section 24013, and recommends that the Department
17 of Alcoholic Beverage Control issue the liquor license with conditions; and

18 WHEREAS, The conditions recommended by the Police Department are the following:

- 19 1) Sales, service and consumption of alcoholic beverages shall be permitted only between the
20 hours of 10:00 a.m. and 1:00 a.m. each day of the week; 2) All sales of alcoholic beverages
21 for consumption in the general spectator seating areas shall be made only from concession
22 stands, and shall not be sold, served or delivered to customers by individual ambulatory
23 vendors; 3) Points of sale of alcoholic beverages shall not be maintained within the theater
24 auditoriums; 4) Guests shall have a valid ticket to a movie showing to purchase alcoholic
25 beverage drinks for in-auditorium consumption; 5) No more than two (2) alcoholic beverages

1 shall be sold or served to any one (1) person during any transaction; 6) The sale of alcoholic
2 beverages for off-sale consumption is strictly prohibited; 7) Alcoholic beverages shall be
3 served in containers not to exceed 16 oz. which significantly differ in appearance from those
4 containers utilized for non-alcoholic beverages; 8) At all times when the premises is exercising
5 the privileges of their license, an employee of the premises shall enter and monitor the activity
6 within the theaters on a regular basis; 9) Loitering (loitering is defined as "to stand idly about;
7 linger aimlessly without lawful business)" is prohibited on any sidewalks or property adjacent
8 to the licensed premises under the 3 of 4 control of the licensee(s) as depicted on the ABC-
9 257 dated 3/28/2016; 10) The petitioner(s) shall be responsible for maintaining free of litter the
10 area adjacent to the premises over which they have control as depicted on the ABC-257
11 dated 3/28/2016; and 11) Graffiti shall be removed from the premises and all parking lots
12 under the control of the licensee within 72 hours of application; if the graffiti occurs on a Friday
13 or weekend day, or on a holiday, the licensee shall remove the graffiti within 72 hours
14 following the beginning of the next weekday; now, therefore, be it

15 RESOLVED, That in accordance with California Business and Professions Code,
16 Section 23958.4, the Board of Supervisors of the City and County of San Francisco
17 hereby determines that the issuance of a Type 40 on-sale beer license to Frank Lee Jr.
18 for Marina Theatre, located at 2149 Chestnut Street, will serve the public convenience
19 or necessity of the City and County of San Francisco; and, be it

20 FURTHER RESOLVED, That the Board of Supervisors of the City and County of
21 San Francisco hereby endorses and adopts the recommendations of the Police
22 Department listed above, and recommends that the Department of Alcoholic Beverage
23 Control issue the license with those conditions.
24

Carroll, John (BOS)

From: Carroll, John (BOS)
Sent: Tuesday, October 31, 2017 11:19 AM
To: Barnes, Bill (BOS); Pagoulatos, Nick (BOS); (carolyn.goossen@sfgov.org); 'movie4star@gmail.com'
Cc: Karunaratne, Kanishka (BOS); Montejano, Jess (jess.montejano@sfgov.org); Kelly, Margaux (margaux.kelly@sfgov.org); Rodgers, AnMarie; CPC.Referrals
Subject: Liquor License PC or N Request - 2149 Chestnut Street - Marina Theatre
Categories: 160399

Good morning,

The Police Department has completed their review of the subject application, and has forwarded their recommendation for approval with conditions. For your convenience, I have their review available from the link below:

[Police Department Response - October 31, 2017](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 160399](#)

Thanks for the review.

John Carroll
Assistant Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
415)554-4445 - Direct | (415)554-5163 - Fax
john.carroll@sfgov.org | bos.legislation@sfgov.org

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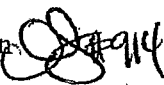
San Francisco Police Department
ABC Liaison Unit



Alcoholic Beverage License -
*Public Convenience or
Necessity Recommendation*

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

Supervisor Hillary Ronen
Supervisor Jeff Sheehy
Supervisor Sandra Lee Fewer

From: A/Lieutenant Nelly Gordon 
Officer in Charge
ABC Liaison Unit (ALU) 837-7269

Date: November 1, 2017

Subject: P.C.N. Investigation Regarding: Frank Lee Jr.
DBA: Marina Theatre
2149 Chestnut Street
Frank Lee
(415)5198716

Frank Lee Jr. on behalf of Marina Theatre, dba Marina Theatre has filed an application with the California Department of Alcoholic Beverage Control seeking an Original Type- 40 (On-Sale Beer) License for 2149 Chestnut Street (located between Pierce and Steiner Streets).

Hours of Operation:

10 a.m.-1 a.m. Daily

Digest:

The licensee is currently in operation at 2149 Chestnut Street. The applicant wishes to have service of beer to patrons of the theatre. If approved, this license will allow Marina Theatre to sell On-Sale Beer at this premises.

Letters of Protest:

0

Letters of Support:

0

Police Calls for Service:

From April 2015 to April 2016

Police Reports:

From April 2015 to April 2016

166

San Francisco Plot Information:

This premise is located in Plot 507

A High Crime area is defined as 106 or more police incidents in a plot for the year of 2015.

This plot had 200 police incidents for 2015, which is 94 incidents over the Citywide "High Crime" average.

State Census Tract Information:

This premise is located in Census Tract 0128.00

Population for this tract is: 4,106

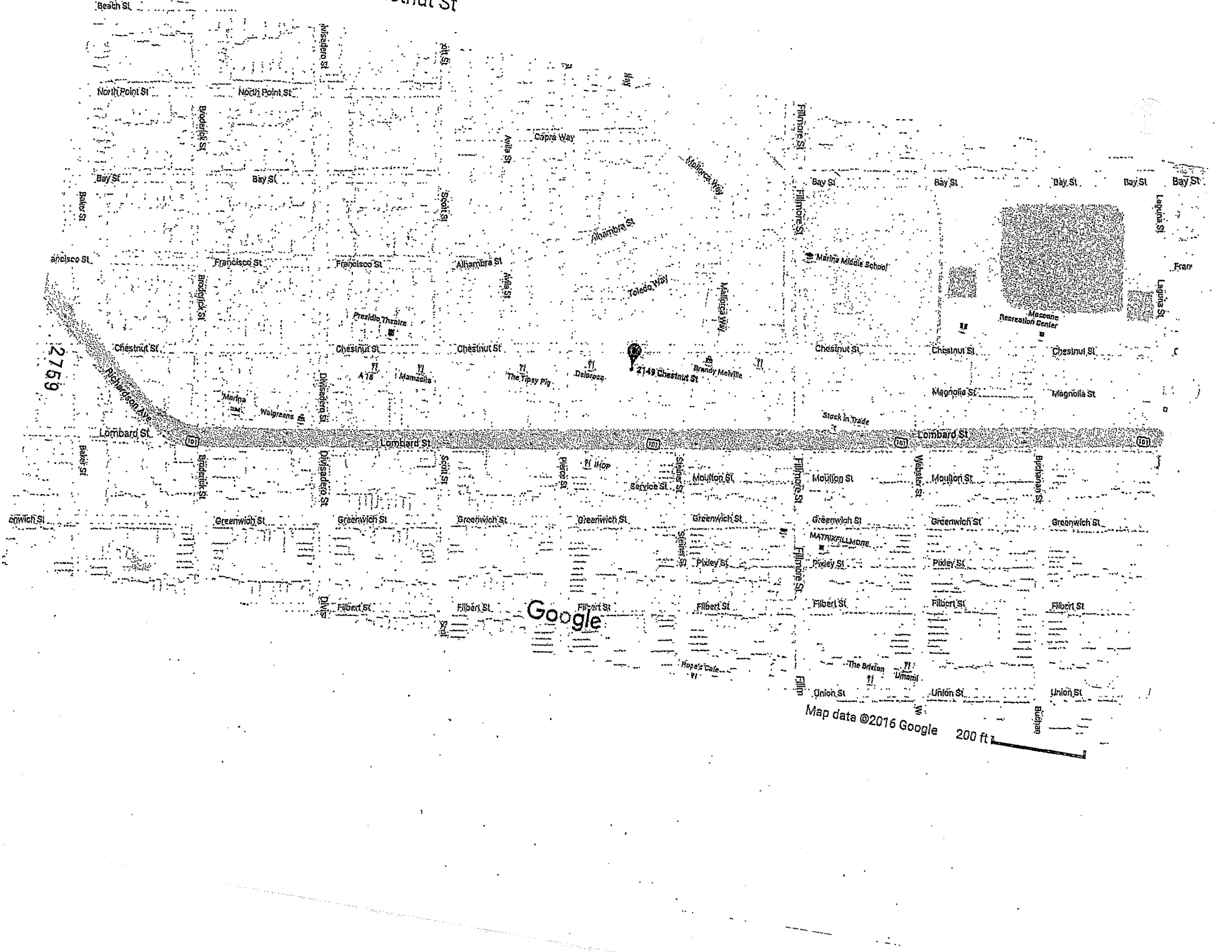
On-sale license authorized by census tract: 14

Active on-sale licenses: 61 with 1 pending

Off-sale licenses authorized by census tract: 3

Active off-sale licenses: 9 with 0 pending

Departmental Recommendation:



2759

2149 Chestnut St

Google

Map data ©2016 Google 200 ft

Buchanan

Points of consideration: 0

No opposition from Northern Station

Applicant premise is located in a "high crime" area.

Applicant premise is located in an "undue concentration" area.

ALU Recommendation: Approval with the following conditions:

Conditions for Type 40 (On-Sale Beer)

1. Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 10:00 a.m. and 1:00 a.m. each day of the week.
2. All sales of alcoholic beverages for consumption in the general spectator seating areas shall be made only from concession stands, and shall not be sold, served or delivered to customers by individual ambulatory vendors.
3. Points of sale of alcoholic beverages shall not be maintained within the theater auditoriums.
4. Guests shall have a valid ticket to a movie showing to purchase alcoholic beverage drinks for in-auditorium consumption.
5. No more than two (2) alcoholic beverages shall be sold or served to any (1) person during any transaction.
6. The sale of alcoholic beverages for off-sale consumption is strictly prohibited.
7. Alcoholic beverages shall be served in containers not to exceed 16 oz. which significantly differ in appearance from those containers utilized for non-alcoholic beverages.
8. At all times when the premises is exercising the privileges of their license, an employee of the premises shall enter and monitor the activity within the theaters on a regular basis.
9. 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(s) as depicted on the ABC-257 dated 3/28/2016.

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 3/28/2016.
11. Graffiti shall be removed from the premises and all parking lots under the control of the licensee within 72 hours of application. If the graffiti occurs on a Friday or weekend day, or on a holiday, the licensee shall remove the graffiti within 72 hours following the beginning of the next weekday.

It should be noted that the applicant has agreed to the above listed conditions
End

2762



2149 Chestnut St

Google

Image capture: Nov 2015 © 2016 Google

San Francisco, California

Street View - Nov 2015

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Carroll, John (BOS)

From: Carroll, John (BOS)
Date: Tuesday, September 19, 2017 9:56 AM
To: Gordon, Nelly (POL); George, Gigi (POL)
Cc: Morales, Carolina (BOS); Karunaratne, Kanishka (BOS); Montejano, Jess (jess.montejano@sfgov.org); Kelly, Margaux (margaux.kelly@sfgov.org); Rodgers, AnMarie; Powell, Georgia (CPC)
Subject: Liquor License PC or N Referral - 2149 Chestnut Street - Marina Theatre

Good morning,

The Planning Department has completed their review of the subject application, and has forwarded their recommendation for approval. For your convenience, I have their review available from the link below:

[Planning Dept. Response - September 18, 2017](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by the following link:

[Board of Supervisors File No. 160399](#)

Thanks for the review.

John Carroll

Assistant Clerk

Board of Supervisors

San Francisco City Hall, Room 244

San Francisco, CA 94102

(415)554-4445 - Direct | (415)554-5163 - Fax

john.carroll@sfgov.org | bos.legislation@sfgov.org

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6



LIQUOR LICENSE REVIEW

TO: Planning Department **File:** 160399
 AnMarie Rodgers/CTYPLN/SFGOV
 Georgia Powell/CTYPLN/SFGOV@SFGOV
 Fax No.: (415) 558-6409

Block/lot: 0490/045
Zoning: NC-2
Quad: NW

TO: Police Department
 Inspector Nelly Gordon
 Phone: (415) 837-7273

DATE: May 11, 2016

Record # 2016-006211 Mis

This item is tentatively scheduled to be heard in four to six weeks.
PLEASE EMAIL YOUR RESPONSE BY: June 15, 2016, to Erica Major, Public Safety and Neighborhood Services Committee Clerk.

John Carroll **Erica.Major@sfgov.org - Fax No: 554-7771**

Applicant Name: Frank Lee
and Business Name: Marina Theatre
 (2149 Chestnut Street)
Applicant Address: 50 Via La Cumbre
 Greenbrae, CA 940904
and Phone No. (415) 519-8716

PLANNING COMMENTS: Approval Denial
 APPROVED PER COMPLETION OF BPA# 201611152807
 ON SEPT 18, 2017.

9-18-2017
 Approved Planning Dept. *Lan*
 Laura Ajello

POLICE COMMENTS: Approval Denial

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2016 MAY 11 PM 2:39

BY AK

May 9, 2016

From:
Marina Theatre
2149 Chestnut St.
San Francisco, Ca. 94123
Frank Lee

To:
Clerk of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, California
94102

The following is the information for a PCN request:

Name & Number: Frank Lee (415) 519-8716
Name & Address: **Marina Theatre 2149 Chestnut St. San Francisco,
California, 94123**
Mailing Address: 50 Via La Cumbre Greenbrae, California 94904
Type of License: Type 40 (beer only)
Hours: 1 pm to 10 pm daily
Explanation: Convenience for audiences to consume while watching a movie and
request from audiences to serve beer. To compete with other movie
theatres in San Francisco that already serve alcohol.



160399


Major, Erica (BOS)

From: Major, Erica (BOS)
Sent: Wednesday, May 11, 2016 3:32 PM
To: Rodgers, AnMarie (CPC); Powell, Georgia (CPC); Gordon, Nelly (POL)
Subject: PCN LL REFERRAL (160399) Liquor License - 2149 Chestnut Street
Attachments: 160399 LL Referral - 2149 Chestnut Street - MarinaTheatre.pdf

Greetings,

Attached is a Public Convenience or Necessity request for the above stated. Please review and provide your response by June 15, 2016.

Erica Major
Assistant Committee Clerk
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244 San Francisco, CA 94102
Phone: (415) 554-4441 | Fax: (415) 554-5163
Erica.Major@sfgov.org | www.sfbos.org

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LIQUOR LICENSE REVIEW

TO: Planning Department **File:** 160399
AnMarie Rodgers/CTYPLN/SFGOV
Georgia Powell/CTYPLN/SFGOV@SFGOV
Fax No.: (415) 558-6409

TO: Police Department
Inspector Nelly Gordon
Phone: (415) 837-7273

DATE: May 11, 2016

This item is tentatively scheduled to be heard in four to six weeks.
PLEASE EMAIL YOUR RESPONSE BY: June 15, 2016, to Erica Major, Public
Safety and Neighborhood Services Committee Clerk.

Erica.Major@sfgov.org - Fax No: 554-7771

Applicant Name: Frank Lee
Marina Theatre
and Business Name: (2149 Chestnut Street)
Applicant Address: 50 Via La Cumbre
Greenbrae, CA 940904
and Phone No. (415) 519-8716

PLANNING COMMENTS: Approval Denial

POLICE COMMENTS: Approval Denial

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2016 MAY 11 PM 2:39
BY AK

May 9, 2016

From:

Marina Theatre
2149 Chestnut St.
San Francisco, Ca. 94123
Frank Lee

To:

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

The following is the information for a PCN request:

Name & Number: Frank Lee (415) 519-8716

Name & Address: **Marina Theatre 2149 Chestnut St. San Francisco,
California, 94123**

Mailing Address: 50 Via La Cumbre Greenbrae, California 94904

Type of License: Type 40 (beer only)

Hours: 1 pm to 10 pm daily

Explanation: Convenience for audiences to consume while watching a movie and request from audiences to serve beer. To compete with other movie theatres in San Francisco that already serve alcohol.



16399



**California Department of Alcoholic Beverage
Control**
License Query System Summary
as of 2/27/2017

License Information
License Number: 568404
Primary Owner: LEE, FRANK JR
ABC Office of Application: 24 - SAN FRANCISCO
Business Name
Doing Business As: MARINA THEATRE
Business Address
Address: 2149 CHESTNUT ST Census Tract: 0128.00
City: SAN FRANCISCO County: SAN FRANCISCO
State: CA Zip Code: 94123
Licensee Information
Licensee: LEE, FRANK JR
Licensee: WONG, LIDA
License Types
1) License Type: 40 - ON-SALE BEER
License Type Status: PENDING
Status Date: 12-APR-2016 Term: 12 Month(s)
Original Issue Date: Expiration Date:
Master: Y Duplicate: 0 Fee Code: P40
License Type was Transferred On: FROM:
Current Disciplinary Action
... <i>No Active Disciplinary Action found</i> ...
Disciplinary History
... <i>No Disciplinary History found</i> ...

Hold Information
Hold Date: 12-APR-2016 Type: FORM 220
Escrow
... <i>No Escrow found</i> ...

--- *End of Report* ---

For a definition of codes, view our [glossary](#).

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

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

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

Small Business Commission Youth Commission Ethics Commission

Planning Commission Building Inspection Commission

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

Sponsor(s):

Clerk of the Board

Subject:

Liquor License - 2149 Chestnut Street - Marina Theatre

The text is listed below or attached:

Hearing to consider that the issuance of a Type 40 on-sale beer license to Frank Lee, Jr., dba Marina Theatre, located at 2149 Chestnut Street (District 2), will serve the public convenience or necessity of City and County of San Francisco.

Signature of Sponsoring Supervisor: *Alisa Gomez*

Clerk's Use Only:

