

1 [Liquor License Issuance - 429 Castro Street - The Castro Theatre]

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3 **Resolution determining that the issuance of a Type-90 on-sale general music**
4 **venue liquor license to APESF LLC, doing business as The Castro Theatre,**
5 **located at 429 Castro Street (District 8), will serve the public convenience or**
6 **necessity of the City and County of San Francisco, in accordance with California**
7 **Business and Professions Code, Section 23958.4; and requesting that the**
8 **California Department of Alcoholic Beverage Control impose conditions on the**
9 **issuance of the license.**

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11 WHEREAS, APESF LLC, is seeking the issuance of a Type-90 on-sale general
12 music venue liquor license to do business as The Castro Theatre, located at 429 Castro
13 Street (District 8); and

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

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

20 WHEREAS, The conditions recommended by the Police Department are the
21 following: 1) Petitioner(s) shall actively monitor the area under their control in an effort
22 to prevent the loitering of persons on any property adjacent to the licensed premises as
23 depicted on the ABC-253; 2) The petitioner(s) shall be responsible for maintaining free
24 of litter the area adjacent to the premises over which they have control, as depicted on
25 ABC-253; and 3) (1) Except as provided in Condition 2 below, no noise shall be audible

1 beyond the area under the control of the licensee; (2) Any noise caused by
2 entertainment or amplified sound that is subject to the provisions of an active
3 Entertainment Permit issued by the San Francisco Entertainment Commission shall be
4 authorized in accordance with the limits established by that Entertainment Permit,
5 including any limitation on hours during which entertainment or amplified sound is
6 permitted. A violation of the entertainment or amplified sound noise conditions of the
7 Entertainment Permit, as determined by the San Francisco Entertainment Commission
8 (or any successor agency), shall be deemed to be a violation of this Condition. Any
9 noise that is not subject to, or is beyond the scope of, the Entertainment Permit shall be
10 subject to Condition 1 above. "Entertainment Permit" means any of the following: a Just
11 Add Music permit, a Limited Live Performance permit, a Place of Entertainment permit,
12 a Fixed Place Amplified Sound permit, or any similar such permit issued by the San
13 Francisco Entertainment Commission, now, therefore, be it

14 RESOLVED, That in accordance with California Business and Professions Code,
15 Section 23958.4, the Board of Supervisors of the City and County of San Francisco
16 hereby determines that the issuance of a Type-90 on-sale general music venue liquor
17 license to APESF LLC, doing business as The Castro Theatre, located at 429 Castro
18 Street (District 8), will serve the public convenience or necessity of the City and County
19 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.

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