

File No. 141116

Committee Item No. 2

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Neighborhood Services & Safety Date February 5, 2015

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)

- Liquor License PCN Request _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

Completed by: Derek Evans Date 1/30/15
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 or
Necessity Recommendation*

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

Supervisor David Campos
Supervisor Eric Mar
Supervisor Norman Yee

From: Lieutenant Dave Falzon 
ABC Liaison Unit (ALU) 553-1049

Date: October 29, 2014

Subject: P.C.N. Investigation Regarding:

DBA: Roxie Theater
3117 and 3125 16th Street
George Rush
415/393-8005

George Rush on behalf of The Roxie Theater has filed an application with the California Department of Alcoholic Beverage Control (ABC) seeking a Type-40 (On-Sale Beer) for 3117 and 3125 16th Street (located between Valencia and Guerrero Street).

It should be noted that during the application process, notification date for the 500' mailer was on October 16, 2014. The Notice to the Public was posted on October 3, 2014.

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 October 2, 2013 to October 1, 2014

1

Police Reports: From October 2, 2013 to October 1, 2014

0

San Francisco Plot Information:

This premise is located in Plot **413**

The High Crime area is defined as **99** or more police reports in a plot.

This plot had **232** police incidents recorded for 2013.

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

State Census Tract Information:

This premise is located in Census Tract 0202.00

Population for this tract is: **6,269**

On-sale license authorized by census tract: **21**

Active on-sale licenses: **37**

Off-sale licenses authorized by census tract: **6**

Active off-sale licenses: **11**

Applicant premise **is** currently located in an “undue concentration” area.

Letters of Protest:

0 recorded with the California Department of Alcoholic Beverage Control, (ABC).

Letters of Support:

0 recorded with the California Department of Alcoholic Beverage Control, (ABC).

Departmental Recommendation:

Mission Police Station is **not** opposed to this application.

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


1. Whenever the privileges of the license are being exercised an employee or security guard shall monitor the activity within the theater as well as the lobby on a regular basis.

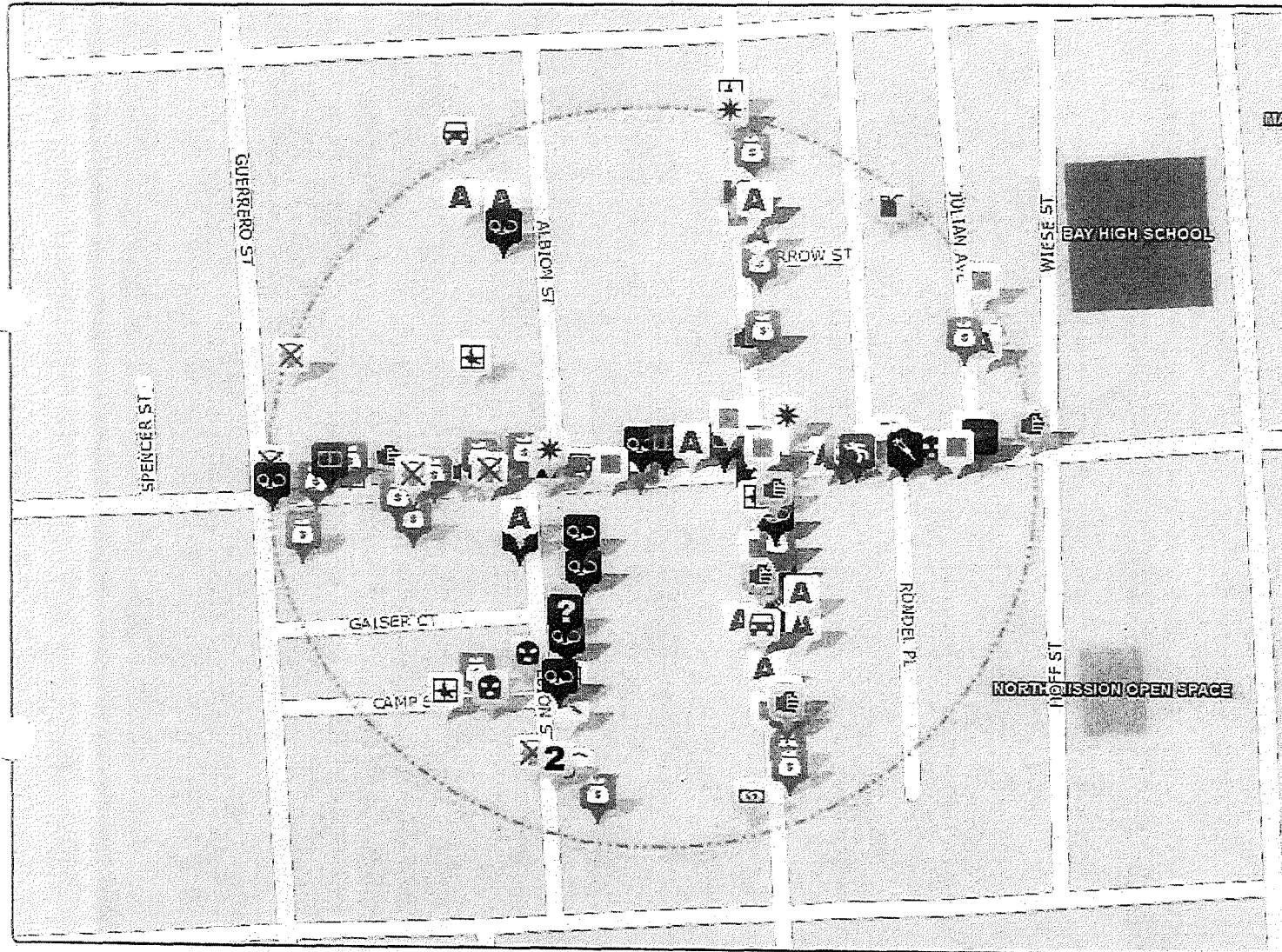
2. All adult patrons shall wear a color coded wristband to signify that they are of legal age.
3. Sale and service of beer may commence one hour before the start of the event and must be suspended one hour prior to the scheduled and of the event.

*It should be noted that I spoke with Shae Green (Director of operations at the Roxie Theatre) on 10/27/14 who stated that she agrees with the addition of the above recommended conditions.

Thank you

40-550499 3117 16th Street
 10/2/2013-10/1/2014 500 ft.

San Francisco Police Department 



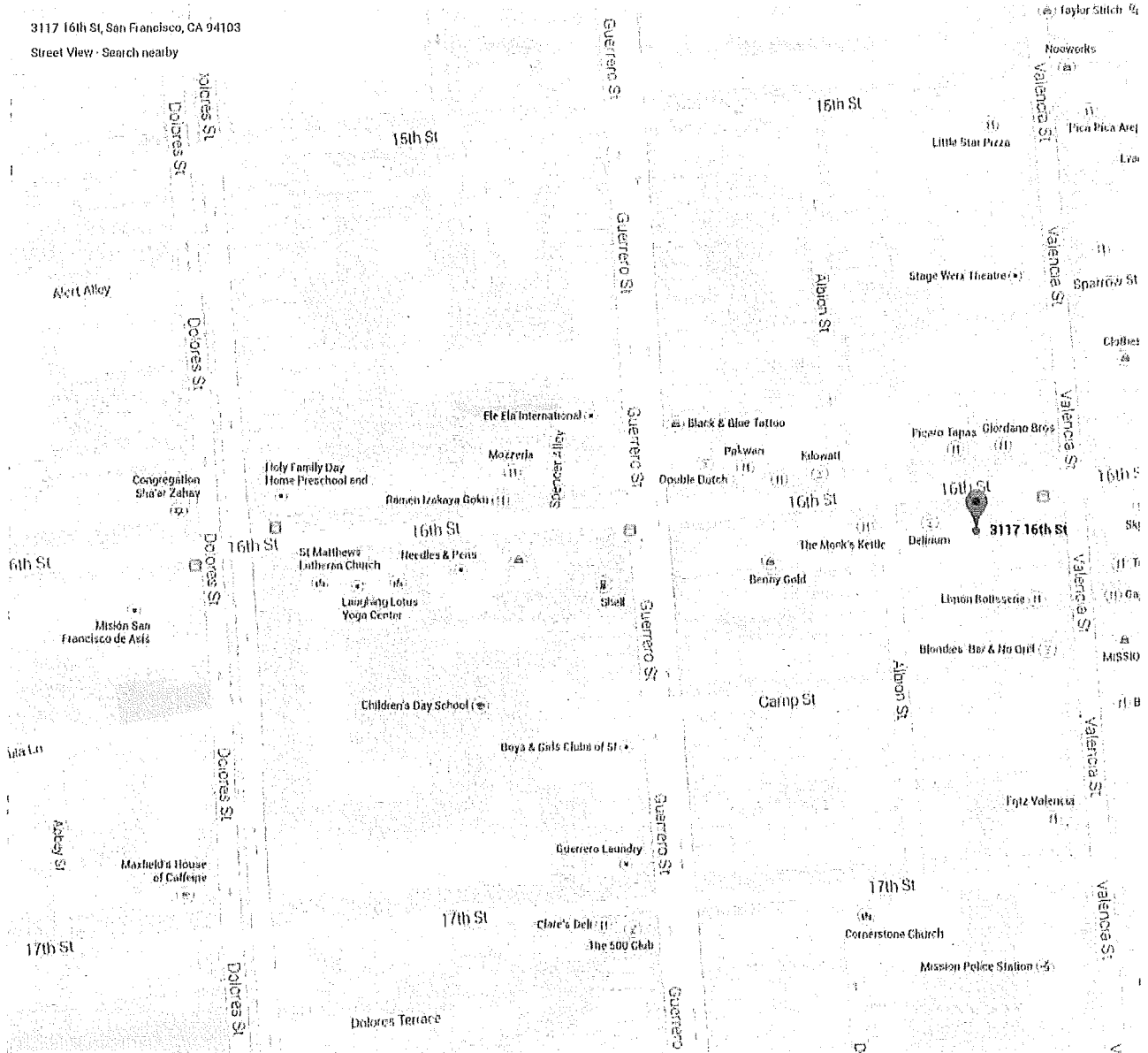
Map Legend	
Incidents (620)	
	Larceny/Theft (120)
	Assault (75)
	Warrants (69)
	Other Offenses (64)
	Non-Criminal (60)
	Drug/Narcotic (42)
	Warrants (35)
	Robbery (26)
	Burglary (20)
	Vandalism (18)
	Fraud (17)
	Suspicious Occurrence (11)
	Secondary Codes (10)
	Weapon Laws (10)
	Drunkenness (9)
	Missing Person (8)
	Vehicle Theft (7)
	Forgery/Counterfeiting (4)
	Kidnapping (3)
	Sex Offenses, Forcible (3)
	Trespassing (2)
	Suicide (2)
	Arson (2)
	Embezzlement (1)
	Homicide (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: 11/6/2014 1:36:41 PM

3117 16th St, San Francisco, CA 94103
Street View - Search nearby



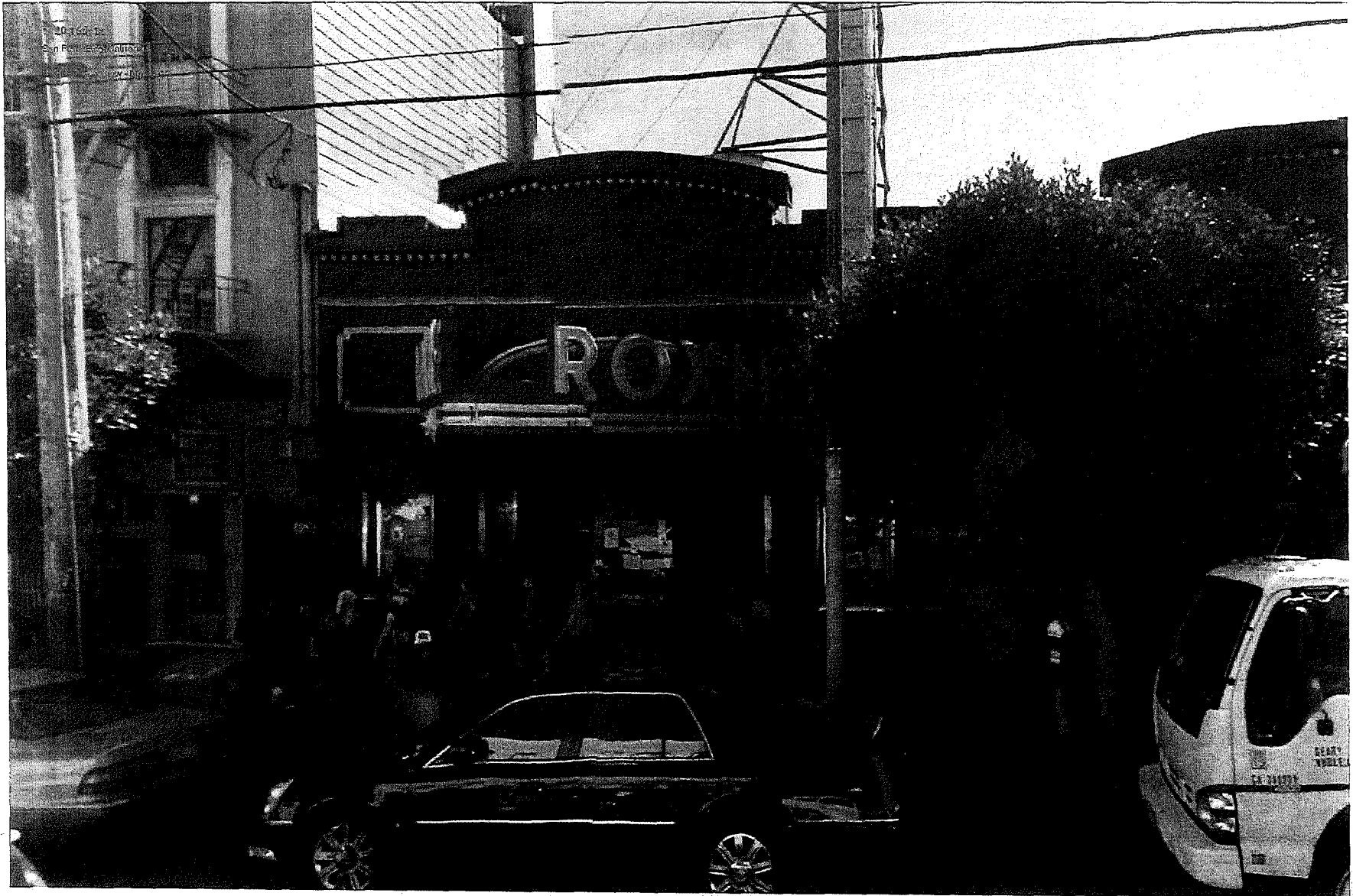
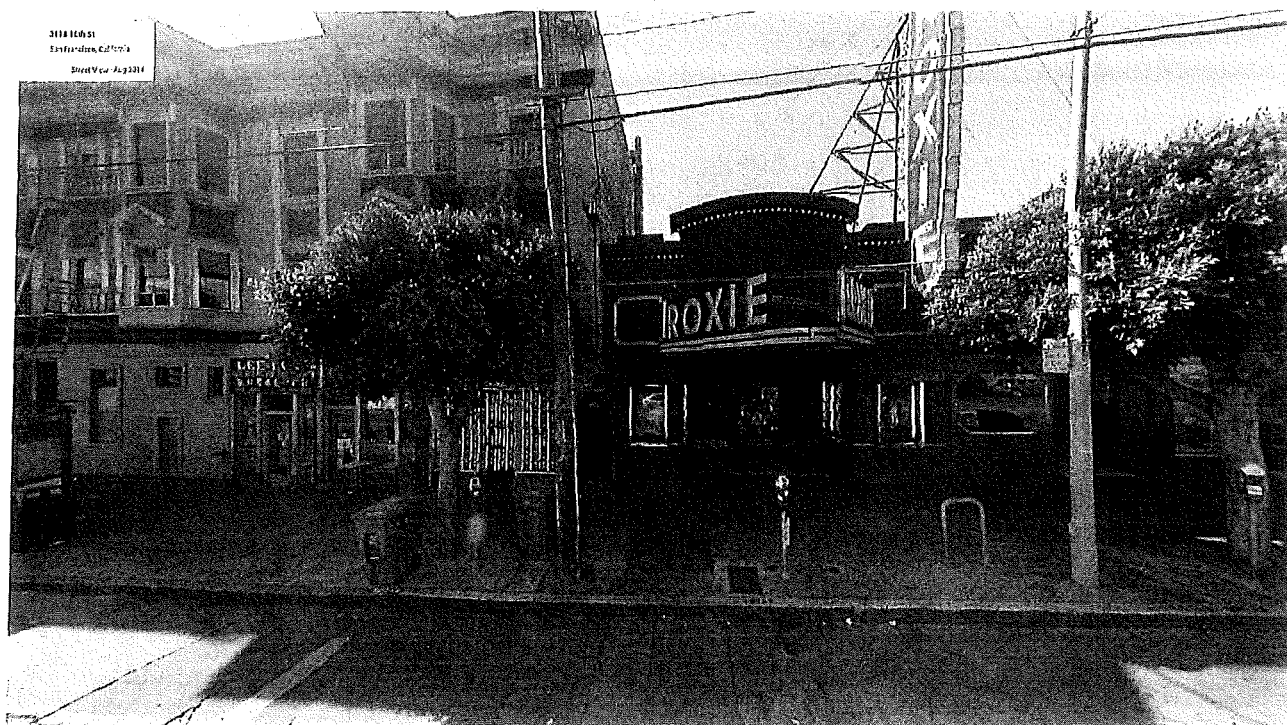


Image capture: Mar 2013 © 2015 Google



3117 16th St
San Francisco, CA 94103
Street View - Aug 2014

16th St
San Francisco, CA

Map data ©2014 Google

LIQUOR LICENSE REVIEW

TO: Planning Department File: 141116
AnMarie Rodgers/CTYPLN/SFGOV
Georgia Powell/CTYPLN/SFGOV@SFGOV
Fax No.: 558-6409

Block/lot: 3568/067

TO: Police Department
Lieutenant Dave Falzon
Officer Alberto Duarte
Fax No.: 553-1463

Zoning: NCT

Squad: 98

Record # 2014-000722 MIS

DATE: October 28, 2014

This item is tentatively scheduled to be heard in four to six weeks.
PLEASE EMAIL YOUR RESPONSE BY: December 1, 2014, to Derek Evans,
Clerk, Neighborhood Services and Safety Committee.

Derek.Evans@sfgov.org - Fax No: 554-7714


Applicant Name: George Rush
and Business Name: Roxie Theater
(3117 and 3125 16th Street)

Applicant Address: 220 Montgomery Street, Suite 411
San Francisco, CA 94104
and Phone No. (415) 393-8005

PLANNING COMMENTS: Approval Denial

PER P.C SECTION 249.60 (b)(1)(D), ONLY AT 3117 16TH ST. LOCATION.

POLICE COMMENTS: Approval Denial



1/6/15

JEFF SPEIRS

141116

LAW OFFICES
OF
GEORGE M. RUSH

October 21, 2014

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

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
OCT 26 PM 2:17

Re: Request for "PCN"

- Type 40 issuance

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. The Roxie is located at 3117 and 3125 16th Street, San Francisco, CA 941043 and the phone number is 415.393.8005. The opening hours are Monday through Friday, 7 PM to midnight, and Saturday and Sunday, 2 PM to midnight.

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

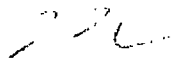
licenses because they require the extra income from alcohol sales to remain operational. While the Roxie Theater is also a non-profit theater, the legislation requires that the non-profit theater show "any act, play, revue, pantomime, scene, song, dance act." The Roxie, however, only presents movies. This distinction is the only portion of the legislation that prevents the Roxie from obtaining a liquor license.

The Roxie has been around for 104 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

220 MONTGOMERY STREET, SUITE 411 • SAN FRANCISCO, CA •
94104
PHONE: 415.393.8005 • FAX: 415.393.8021

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

State of California

M. ISABEL Fonderika
 (415) 431-3611

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

File Number: 550499
 Receipt Number: 2257484
 Geographical Code: 3800
 Copies Mailed Date: October 2, 2014
 Issued Date:

DISTRICT SERVING LOCATION: SAN FRANCISCO

First Owner: **ROXIE THEATRE THE**
 Name of Business: **ROXIE THEATRE**
 Location of Business: **3117 16TH ST
 SAN FRANCISCO, CA 94103-3327**

County: **SAN FRANCISCO**

Is Premise inside city limits? **Yes** Census Tract **0202.00**

Mailing Address: **3125 16TH ST
 SAN FRANCISCO, CA 94103-3327**
 (If different from premises address)

Type of license(s): **40**

Transferor's license/name: **512695 / ROXIE THEATRE THE** Dropping Partner: Yes No

License Type	Transaction Type	Fee Type	Master	Dup	Date	Fee
40 - On-Sale Beer	PREMISE TO PREMISE TRANSFER NA		Y	0	10/02/14	\$100.00
Total						\$100.00

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**
 Explain any "Yes" answer to the above questions on an attachment which shall be deemed part of this application.

Applicant agrees (a) that any manager employed in an on-sale licensed premises will have all the qualifications of a licensee, and (b) that he will not violate or cause or permit to be violated any of the provisions of the Alcoholic Beverage Control Act.

STATE OF CALIFORNIA County of **SAN FRANCISCO** Date: **October 2, 2014**

Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He is an applicant, or one of the applicants, or an executive officer of the applicant corporation, named in the foregoing application, duly authorized to make this application on its behalf; (2) that he has read the foregoing and knows the contents thereof and that each of the above statements therein made are true; (3) that no person other than the applicant or applicants has any direct or indirect interest in the applicant or applicant's business to be conducted under the license(s) for which this application is made; (4) that the transfer application or proposed transfer is not made to satisfy the payment of a loan or to fulfill an agreement entered into more than ninety (90) days preceding the day on which the transfer application is filed with the Department or to gain or establish a preference to or for any creditor or transferor or to defraud or injure any creditor of transferor; (5) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

Effective July 1, 2012, Revenue and Taxation Code Section 7057, authorizes the State Board of Equalization and the Franchise Tax Board to share taxpayer information with Department of Alcoholic Beverage Control. The Department may suspend, revoke, and refuse to issue a license if the licensee's name appears in the 500 largest tax delinquencies list. (Business and Professions Code Section 494.5.)

Applicant Name(s)

Applicant Signature(s)

ROXIE THEATRE THE

LAW OFFICES
OF
GEORGE M. RUSH

October 21, 2014

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

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2014 OCT 28 PM 2:31
AK

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. The Roxie is located at 3117 and 3125 16th Street, San Francisco, CA 941043 and the phone number is 415.393.8005. The opening hours are Monday through Friday, 7 PM to midnight, and Saturday and Sunday, 2 PM to midnight.

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

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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,

A handwritten signature in dark ink, appearing to read 'George Rush', with a long horizontal flourish extending to the right.

George Rush
Attorney at Law

141116

LAW OFFICES
OF
GEORGE M. RUSH

October 21, 2014

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

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2014 OCT 24 PM 2:47

Re: Request for "PCN"

- Type 410 issuance

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. The Roxie is located at 3117 and 3125 16th Street, San Francisco, CA 941043 and the phone number is 415.393.8005. The opening hours are Monday through Friday, 7 PM to midnight, and Saturday and Sunday, 2 PM to midnight.

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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

LIQUOR LICENSE REVIEW

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

File: 141116

TO: Police Department
Lieutenant Dave Falzon
Officer Alberto Duarte
Fax No.: 553-1463

DATE: October 28, 2014

This item is tentatively scheduled to be heard in four to six weeks.

PLEASE EMAIL YOUR RESPONSE BY: December 1, 2014, to Derek Evans,
Clerk, Neighborhood Services and Safety Committee.

Derek.Evans@sfgov.org - Fax No: 554-7714

Applicant Name: George Rush
and Business Name: Roxie Theater
(3117 and 3125 16th Street)

Applicant Address: 220 Montgomery Street, Suite 411
San Francisco, CA 94104
and Phone No. (415) 393-8005

PLANNING COMMENTS: Approval Denial

POLICE COMMENTS: Approval Denial

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)

ABC 211 (6/99)

Ms. ISABEL Fonderika
(415) 431-3611

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

File Number: 550499
Receipt Number: 2257484
Geographical Code: 3800
Copies Mailed Date: October 2, 2014
Issued Date:

DISTRICT SERVING LOCATION: SAN FRANCISCO
First Owner: **ROXIE THEATRE THE**
Name of Business: **ROXIE THEATRE**
Location of Business: **3117 16TH ST
SAN FRANCISCO, CA 94103-3327**
County: **SAN FRANCISCO**
Is Premise inside city limits? **Yes** Census Tract **0202.00**
Mailing Address: **3125 16TH ST
SAN FRANCISCO, CA 94103-3327**
(If different from premises address)
Type of license(s): **40**

Transferor's license/name: **512695 / ROXIE THEATRE THE** Dropping Partner: Yes No

License Type	Transaction Type	Fee Type	Master	Dup	Date	Fee
40 - On-Sale Beer	PREMISE TO PREMISE TRANSFER	NA	Y	0	10/02/14	\$100.00
Total						\$100.00

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**
Explain any "Yes" answer to the above questions on an attachment which shall be deemed part of this application.

Applicant agrees (a) that any manager employed in an on-sale licensed premises will have all the qualifications of a licensee, and (b) that he will not violate or cause or permit to be violated any of the provisions of the Alcoholic Beverage Control Act.

STATE OF CALIFORNIA County of **SAN FRANCISCO** Date: **October 2, 2014**

Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He is an applicant, or one of the applicants, or an executive officer of the applicant corporation, named in the foregoing application, duly authorized to make this application on its behalf; (2) that he has read the foregoing and knows the contents thereof and that each of the above statements therein made are true; (3) that no person other than the applicant or applicants has any direct or indirect interest in the applicant or applicant's business to be conducted under the license(s) for which this application is made; (4) that the transfer application or proposed transfer is not made to satisfy the payment of a loan or to fulfill an agreement entered into more than ninety (90) days preceding the day on which the transfer application is filed with the Department or to gain or establish a preference to or for any creditor or transferor or to defraud or injure any creditor of transferor; (5) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

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Applicant Name(s) ROXIE THEATRE THE Applicant Signature(s) _____

RECEIVED
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
SAN FRANCISCO
OCT 6 PM 3:22
[Signature]

Evans, Derek

From: Power, Andres
Sent: Tuesday, October 28, 2014 1:51 PM
To: Evans, Derek; Powell, Georgia (CPC); Falzon, Dave (POL)
Cc: Rodgers, AnMarie (CPC); Duarte, Alberto (POL); Goossen, Carolyn (BOS); Taylor, Adam (BOS)
Subject: RE: Liquor License - PCN Request - 3117 16th Street (Roxie Theater) - File No. 141116

The Supervisor supports this application.

Andres Power
Office of Supervisor Scott Wiener
(t) 415-554-6968

From: Evans, Derek
Sent: Tuesday, October 28, 2014 10:27 AM
To: Powell, Georgia (CPC); Falzon, Dave (POL)
Cc: Rodgers, AnMarie (CPC); Duarte, Alberto (POL); Goossen, Carolyn (BOS); Power, Andres; Taylor, Adam (BOS)
Subject: Liquor License - PCN Request - 3117 16th Street (Roxie Theater) - File No. 141116

Hello,

Attached is a Public Convenience and Necessity Request for the subject liquor license. Please review and provide your response.

Thank you,

Derek K. Evans
Assistant Committee Clerk
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102
Phone: (415) 554-7702 | Fax: (415) 554-5163
derek.evans@sfgov.org | www.sfbos.org

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.
<http://www.sfbos.org/index.aspx?page=104>