

File No. 230731

Committee Item No. 2

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Public Safety and Ngbh Services

Date: Sept. 14, 2023

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
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- Award Letter
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#### OTHER

- Police Department Report – August 29, 2023
- Planning Department Review – July 12, 2023
- PC or N Referral to Planning and Police – July 7, 2023
- PC or N Request Letter – July 6, 2023
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Prepared by: John Carroll

Date: Sept. 7, 2023

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

**From:** [Carroll, John \(BOS\)](#)  
**To:** [carma@odc.dance](#); [Garth Grimball](#); [Donovan, Dominica \(BOS\)](#); [Ferrigno, Jennifer \(BOS\)](#); [Herrera, Ana \(BOS\)](#); [Carrasco, Imelda \(BOS\)](#); [Prager, Jackie \(BOS\)](#)  
**Cc:** [Alabanza, Analyn@ABC](#); [amarjit.tamber@abc.ca.gov](#); [CPC.Referrals](#); [Oropeza, Edgar \(CPC\)](#); [Salmonson, Joel \(POL\)](#); [Wong, Joanne \(POL\)](#); [Jonas, Stephen \(POL\)](#)  
**Subject:** RE: Liquor License - 3153-17 Street - ODC Theater - BOS File No. 230731  
**Date:** Tuesday, August 29, 2023 2:51:00 PM  
**Attachments:** [image001.png](#)

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Greetings,

The Police Department has completed their review of the subject public convenience or necessity request and has forwarded their recommendations. For your convenience, I have the review available from the link below:

[Police Department Response – August 29, 2023](#)

The Police Department's ALU is recommending approval with the following 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.

**The Public Safety and Neighborhood Services Committee will hold this hearing at 10 am on Thursday, September 14, 2023.**

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

[Board of Supervisors File No. 230731](#)

Thanks for the review.

**John Carroll**

**Assistant Clerk**

Board of Supervisors

San Francisco City Hall, Room 244

San Francisco, CA 94102

(415)554-4445



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation and archived matters since August 1998.

***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information*



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. Steve Jonas #79  
Officer in Charge  
ALU/Permits Unit 415-553-9550

**Date:** September 7, 2023

**Subject:** P.C.N. Investigation Regarding: ODC  
DBA: ODC  
3153-17<sup>th</sup> St.  
San Francisco CA. 94110

ODC, has filed an application with the California Department of Alcoholic Beverage Control seeking a Type-64 (Special On-Sale General Theater) license to be located at 3153-17th St. (located between S. Van Ness Ave. and Shotwell St.)

**Hours of Operation:**

10:00 am to 11:00 pm each day of the week.

**Digest:**

ODC would like to operate a theater to be located at 3153-17th St. If approved, this license will allow them to sell Beer, Wine and Distilled spirits.

**Letters of Protest**

0

**Letters of Support**

0

**Police Calls for Service:**

From March 2022 to March 2023

**9 calls for service**

**Police Reports:**

From March 2022 to March 2023

**1 police report**

**San Francisco Plot Information:**

This premise is located in Plot: **423**

A High Crime area is defined as **109** or more police reports in a plot for the year of **2022**.

This plot had 103 police reports for **2022**, which is **6 lower** than the **Citywide “High Crime”** average.

**State Census Tract Information:**

This premise is located in Census Tract: **228.01**  
Population for this tract is: **4,956**

On-sale license authorized by census tract: **16**  
Active on-sale licenses: 31 with 0 pending

Off-sale licenses authorized by census tract: **4**  
Active off-sale licenses: 5 with 0 pending

**Departmental Recommendation:**

Points of consideration: **0**

No opposition from **Mission Station**.

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

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

**0** - Protest.

**0** - Support

ALU Recommendation: **Approval with the following conditions:**

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.



**From:** [Carroll, John \(BOS\)](#)  
**To:** [Salmonson, Joel \(POL\)](#); [Wong, Joanne \(POL\)](#); [Jonas, Stephen \(POL\)](#)  
**Cc:** [Alabanza, Analyn@ABC](#); [amarjit.tamber@abc.ca.gov](#); [Donovan, Dominica \(BOS\)](#); [Ferrigno, Jennifer \(BOS\)](#); [Herrera, Ana \(BOS\)](#); [Carrasco, Imelda \(BOS\)](#); [Prager, Jackie \(BOS\)](#); [CPC.Referrals](#); [Oropeza, Edgar \(CPC\)](#); [carma@odc.dance](#); [Garth.Grimball](#)  
**Subject:** RE: Liquor License - 3153-17 Street - ODC Theater - BOS File No. 230731  
**Date:** Thursday, July 13, 2023 2:23:00 PM  
**Attachments:** [image001.png](#)

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Good afternoon,

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

[Planning Dept. Response - Received July 12, 2023](#)

The matter is now awaiting review by the Police Department's ALU.

After receiving review from the Police Department, 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 their consideration in the license matter.

**The Public Safety and Neighborhood Services Committee will tentatively schedule this hearing for a regular meeting on September 14, 2023.**

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

[Board of Supervisors File No. 230731](#)

Thanks for the review.

**John Carroll**  
**Assistant Clerk**

Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445



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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: Edgar Oropeza  
Phone No. \_\_\_\_\_  
edgar.oropeza@sfgov.org

**DATE:** July 7, 2023

**AP Block/Lot Nos.:** 3574/090

**Zoning:** PDR-1-G, 58-X

**District:** District 9

**Record No.:** 2023-006195MIS

**TO:** Police Department  
Joel Salmonson  
Phone No. (415) 553-1115

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Please submit your response within three weeks. The Public Safety and Neighborhood Services Committee will tentatively schedule the PC or N hearing for the regular meeting of September 14, 2023.

**PLEASE EMAIL YOUR RESPONSE by July 28, 2023, to:**

John Carroll, Public Safety and Neighborhood Services Committee Clerk.

[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) ~ (415) 554-4445

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**Applicant name:** OCD

**Business name:** ODC Theater

**Application address:** 3153 17th Street  
San Francisco, CA 94110

**Applicant contact info:** Carma Zisman  
[carma@odc.dance](mailto:carma@odc.dance)

**PLANNING REVIEW:**  Approval  Denial

Planning Staff Contact: Edgar Oropeza, Senior Planner  
(Please add comments on a trailing page.)

**POLICE REVIEW:**  Approval  Denial  
(Please add comments in a trailing report.)



APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)

ABC 211 (6.99)

*Carma Zisman*

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

File Number: **646973**  
Receipt Number: **2785713**  
Geographical Code: **3800**  
Copies Mailed Date: **March 22, 2023**  
Issued Date:

*(415) 863-6606*

DISTRICT SERVING LOCATION: **SAN FRANCISCO** 3574/090  
First Owner: **ODC** Dist 9  
Name of Business: **ODC** PDR-1-G  
Location of Business: **3153 17TH STREET** 2023-002729MIS  
**SAN FRANCISCO, CA 94110-1332**  
County: **SAN FRANCISCO**  
Is Premises inside city limits? **Yes** Census Tract: **0228.01**  
Mailing Address:(If different from premises address) **351 SHOTWELL ST**  
**SAN FRANCISCO, CA 94110-1324**  
Type of license(s): **64** Dropping Partner: Yes\_\_\_ No X  
Transferor's license/name:

License Type	Transaction Type	Master	Secondary LT And Count		
64 - Special On-Sale General Theater	ORI	Y			
License Type	Transaction Description	Fee Code	Dup	Date	Fee
Application Fee	ADD PRIMARY LICENSE TYPE	NA	0	03/22/23	\$1,095.00
Application Fee	STATE FINGERPRINTS	NA	3	03/22/23	\$117.00
Application Fee	FEDERAL FINGERPRINTS	NA	3	03/22/23	\$72.00
64 - Special On-Sale General The:	ANNUAL FEE	P40	0	03/22/23	\$860.00
Total					\$2,144.00

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: March 22, 2023

Applicant Name(s)

ODC

Recommend to approve, Approved - type 64, located in the Mission RUSD per section 249.60- Special On-Sale General for Nonprofit Theater Company- This license may be issued to certain nonprofit theater companies as specified in Business and Professions Code Section 24045.7. Theater companies holding this license may sell and serve alcoholic beverages to ticketholder only during, and two hours prior to and one hour after, a bona fide theater performance of the company. For further information regarding this license type, please see the California Legislature's web page for Section 24045.7.

*E. [Signature]*

3/30/2023



RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2023 JUL -6 PM 4:14

BY 

July 6, 2023

To The Office of the Clerk of the Board of Supervisors:

Applicant's Name:  
ODC  
Carma Zisman  
351 Shotwell St  
San Francisco, CA 94110  
415.519.3033

Applicant's Business:  
ODC  
3153 17<sup>th</sup> St  
San Francisco, CA 94110  
(mailing address)

License type: 64

Hours of Operation: 10am – 11pm, Mon – Sun. Concessions is open 5pm – 9pm.

The application was filed with the California Department of Alcoholic Beverage Control on March 16, 2023, at the 33 New Montgomery St office.

The noticing requirements have been fulfilled. The public notice was posted on March 20, 2023.

The theater's capacity is 171. Public performances typically occur Thursday – Saturday evenings and Sunday afternoons. The sale of alcohol at the building is generally between the hours of 6pm – 9pm when performances are happening. ODC has a positive relationship with our residential neighbors, many of whom participate in our public programming. Obtaining a permanent license will not adversely affect our neighborhood as it will not change the way ODC has operated for the past 43 years. The change will be that ODC's sale of alcohol will be classified as a type-64 license instead of a daily 221 license. The type-64 license will serve the public convenience of the neighborhood by offering consistent service to our clients and community, by being a safe venue for public events, and by supporting ODC's ability to operate as an anchor for live performances in San Francisco.

Sincerely,

Carma Zisman, Executive Director  
carma@odc.dance

**Founder & Artistic Director**  
Brenda Way

**Executive Director**  
Carma Zisman

BOARD OF DIRECTORS

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Jackie Schneider

**Vice Chairs**  
Mary Margaret Jones  
Sally X. Yu,  
*Chief Investment Officer*

**Treasurer**  
Bart Deamer

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Michelle Hansen  
Suzie Ivelich  
KT Nelson  
Kimi Okada  
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Simon Bax  
Eleanor Coppola  
Sakurako Fisher  
Laurene Powell Jobs  
David Landis  
Tim Mott  
Paula Powers  
Paul Salinger

**Contact**  
415/863.6606 Phone  
info@odc.dance

351 Shotwell Street  
San Francisco, CA 94110

odc.dance

230731



CALIFORNIA DEPARTMENT OF

# Alcoholic Beverage Control

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**Report Date:** Friday, July 07, 2023

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## LICENSE INFORMATION

**License Number:** 646973 **Primary Owner:** ODC **Office of Application:**

24 - SAN FRANCISCO

## BUSINESS NAME

ODC

## BUSINESS ADDRESS

3153 17TH STREET , SAN FRANCISCO, CA, 94110

**County:** SAN FRANCISCO **Census Tract:** 0228.01

---

## LICENSEE INFORMATION

**Licensee:** ODC

### Company Information

OFFICER: BERGLUND-ZISMAN, CARMA MUIR (PRESIDENT)

OFFICER: FOK, CECILIA SI SI (SECRETARY/ASST SEC)

OFFICER: DEAMER, BARTLEY CALLAHAN (TREASURER)

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## LICENSE TYPES

Allow up to six weeks for expiration date updates after fee waiver or renewal fee submittal.

### 64 - SPECIAL ON-SALE GENERAL THEATER

**License Type Status:** PENDING **Status Date:** 22-MAR-2023 **Term:** 12 Month(s)

**Original Issue Date:** **Expiration Date:** **Master:** Y **Duplicate:** **Fee Code:** P40

#### Transfers:

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## OPERATING RESTRICTIONS:

No Operating Restrictions found

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## DISCIPLINARY ACTION:

No Active Disciplinary Action found

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## DISCIPLINARY HISTORY:

No Disciplinary History found.

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## HOLDS:

**Hold Type:** FORM 220 **Hold Date:** 22-MAR-2023

## ESCROWS:

No Escrow found



**From:** [Oropeza, Edgar \(CPC\)](#)  
**To:** [Carroll, John \(BOS\)](#)  
**Subject:** BoS PCNR referral for 3153 17th Street - Type 64 ODC Theater - Recommend approval.  
**Date:** Wednesday, July 12, 2023 3:51:28 PM  
**Attachments:** [BOS referral - 3153 17th St - ODC Theater \(ID 1377381\).pdf](#)  
[ABC referral - 3153 17th St - ODC \(ID 1361745\).pdf](#)

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Hi John, hope all is well and thank you for your patience on this matter.

In this case the **Planning Department recommends approval for the proposed type 64 at 3153 17<sup>th</sup> Street for the ODC Theater. A Type 64 is permitted as of right within the Mission RUSD, per Planning Code Section 249.60.**

The following restrictions shall apply within such district:

(B) **Non-Profit Theaters.** A non-profit theater shall be permitted to serve alcoholic beverages in this SUD. A "non-profit theater" shall mean a building or part of a building intended to be used for the specific purposes of presenting any act, play, revue, pantomime, scene, song, dance act, or song and dance act, conducted or participated in by one or more persons, whether or not such person or persons are compensated for such performance, and which is exempted from payment of income tax under Section 23701d of the California Revenue and Taxation Code and Section 501(c)(3) of the Internal Revenue Code of the United States. A "non-profit theater" shall not include any dance hall, as defined in Section 1022 of the Police Code, a billiard parlor, pool hall, bowling alley, or Adult Business.

**3153 17th Street Permit History:**

**[Permit 200710316962](#)**

Status: COMPLETE - 10/5/2010

Address: 3151 17TH ST

Demolish and replace existing theater and offices. Increase gross area by 3673 sq.Ft. Reduce existing theater seating by 16 seats. Preserve existing un-reinforced masonry walls & 17th st. Facade. New mechanical and electrical throughout.

[HIDE DETAILS](#)

Originally Filed:

10/31/2007

Parcel:

3574/090

Existing Use:

THEATER

Existing Units:

0

**Proposed Use:**

**THEATER**

**Proposed Units:**

0

**Construction Cost:**

**\$5,000,000.00**

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## **SEC. 249.60. MISSION ALCOHOLIC BEVERAGE SPECIAL USE DISTRICT.**

The Mission Alcoholic Beverage Special Use District (SUD) applies to the area generally bounded by Guerrero Street, San Jose Avenue, Randall Street, Mission Street, Cesar Chavez Street, Potrero Avenue and Fourteenth Street, as designated on Sectional Maps 7SU and 8SU of the [Zoning Map](#) of the City and County of San Francisco. The controls apply only within the boundaries of the SUD. There is a large number of establishments dispensing alcoholic beverages, including beer and wine, for both on-site and off-site consumption in this area. Bars and Restaurants are concentrated on the commercial corridors of Valencia Street, Mission Street, and 24th Street. Liquor Stores selling off-site liquor are distributed throughout this area. This concentration of alcoholic beverage establishments has contributed to numerous peace, health, safety and general welfare problems in the area.

The SUD, which has been in effect since 1987, was established to prohibit new establishments, or expansion of existing establishments, selling alcoholic beverages within the area and prohibited the transfer of liquor licenses. This has resulted in a freezing of entitlements that have less rigorous required operating conditions than are required today. While a net increase in Liquor Stores will continue to be prohibited, the transfer of a liquor license is permissible if the operating conditions currently in effect in the City and County of San Francisco are imposed on the transferee. The area would also benefit from new Grocery Stores of any size that may incidentally sell alcoholic beverages.

The following restrictions shall apply within such district:

(a) **Prohibition of New Liquor Stores.** No new Liquor Store, shall be permitted in the SUD, except that an existing Liquor Store may relocate pursuant to subsection (c) below.

(b) **Allowed Alcohol-related Uses.** Certain uses which are not likely to generate negative impacts on the surrounding area shall be allowed within the SUD as set forth below:

(1) The following uses shall be eligible for liquor licenses transferred from within the SUD as well as licenses transferred from outside the SUD:

(A) **Bona Fide Eating Places.** A Restaurant Use operating as a Bona Fide Eating Place shall be permitted to serve alcoholic beverages in this SUD.

(B) **Non-Profit Theaters.** A non-profit theater shall be permitted to serve alcoholic beverages in this SUD. A "non-profit theater" shall mean a building or part of a building intended to be used for the specific purposes of presenting any act, play, revue, pantomime, scene, song, dance act, or song and dance act, conducted or participated in by one or more persons, whether or not such

person or persons are compensated for such performance, and which is exempted from payment of income tax under Section 23701d of the California Revenue and Taxation Code and Section 501(c)(3) of the Internal Revenue Code of the United States. A "non-profit theater" shall not include any dance hall, as defined in Section 1022 of the Police Code, a billiard parlor, pool hall, bowling alley, or Adult Business.

(C) **Bowling Alleys and Mini-Golf Courses.** A bowling alley or a mini-golf course shall be permitted to serve alcoholic beverages along with any Restaurant use which is functionally and/or physically integrated with such bowling alley or mini-golf course. General Entertainment uses, excluding those uses that require a Place of Entertainment permit, shall be permitted to serve alcoholic beverages along with any Restaurant use which is functionally and/or physically integrated with such General Entertainment use.

(D) **Single Screen Movie Theaters.** A single screen Movie Theater shall be permitted to serve alcoholic beverages, provided that (i) such use contains only a single screen and auditorium, (ii) only beer and wine are offered for consumption, and (iii) such beer and wine are: a. only consumed on the premises and primarily in the main theater auditorium, b. only sold and consumed by ticketholders and only immediately before and during performances, and c. only offered in conjunction with the screening of films and not as an independent element of the establishment that is unrelated to the viewing of films.

**Email is the best way to reach me.** See below for more information.

**Edgar Oropeza, Senior Planner**  
**PIC Specialist, Districts 9 & 10**

San Francisco Planning  
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103  
Direct: 628.652.7416 | [www.sfplanning.org](http://www.sfplanning.org)  
[San Francisco Property Information Map](#)

Member, Board of Supervisors  
District 2



City and County of San Francisco

## CATHERINE STEFANI

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DATE: September 7, 2023

TO: Angela Calvillo  
Clerk of the Board of Supervisors

FROM: Supervisor Stefani  
Chairperson

RE: PUBLIC SAFETY AND NEIGHBORHOOD SERVICES  
COMMITTEE REPORT

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Pursuant to Board Rule 4.20, as Chair of the Public Safety and Neighborhood Services Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on Tuesday, September 19, 2023 as a Committee Report:

**File #230731 Liquor License - 3153-17 Street - ODC Theater**

Hearing to consider that the issuance of a Type-64 special on-sale general theater liquor license to ODC, doing business as the ODC Theater, located at 3153-17 Street (District 9), will serve the public convenience or necessity of the City and County of San Francisco. This matter will be heard in the Public Safety and Neighborhood Services Committee on September 14, 2023, at 10:00am.

This matter will be heard in the Public Safety and Neighborhood Services Committee on September 14, 2023, at 10:00am.

A handwritten signature in blue ink, appearing to read "Catherine Stefani", with a long horizontal flourish extending to the right.

Catherine Stefani  
Member, San Francisco Board of Supervisors



## 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 - 3153-17 Street - ODC Theater

Long Title or text listed:

Hearing to consider that the issuance of a Type-64 special on-sale general theater liquor license to ODC, doing business as the ODC Theater, located at 3153-17 Street (District 9), will serve the public convenience or necessity of the City and County of San Francisco.

Signature of Sponsoring Supervisor:



230729