

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



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.

www.sfplanning.org

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]*