

LIQUOR LICENSE REVIEW

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

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

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 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

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
(If different from SAN FRANCISCO, CA 94103-3327
premises address)
Type of license(s): 40

RECEIVED ENGINEERS
BOARD OF SUPERVISORS
SAN FRANCISCO
2014 OCT 1 - 6 PM 3:22
[Signature]

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)

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