

1 [Liquor License - 3117-16th Street]

2

3 **Resolution determining that the issuance of a Type 40 license to George Rush for**
4 **the Roxie Theatre, located at 3117-16th Street (District 6), will serve the public**
5 **convenience or necessity of the people of the City and County of San Francisco,**
6 **in accordance with Section 23958.4 of the California Business and Professions**
7 **Code, and recommending that the California Department of Alcoholic Beverage**
8 **Control impose conditions on the issuance of the license.**

9

10 WHEREAS, George Rush is seeking the issuance of a Type 40 license for the
11 Roxie Theatre, located at 3117-16th Street; and,

12 WHEREAS, The City Planning Department has verified that the area is properly
13 zoned; and,

14 WHEREAS, The Police Department has filed a protest with the Department of
15 Alcoholic Beverage Control under Section 24013 of the California Business and
16 Professions Code, recommending that the Department of Alcoholic Beverage Control
17 issue the liquor license with conditions; and

18 WHEREAS, The conditions recommended by the Police Department are: (1)
19 Sales, service and consumption of alcoholic beverages shall be permitted only between
20 the hours of 11:00 a.m. and 1:00 a.m. daily; (2) Sales service and consumption of
21 alcoholic beverages is permitted only on days that the theater has a bona fide theater
22 performance or movie; (3) Sales, service and consumption of alcoholic beverages shall
23 be permitted only to the lobby area as depicted in the ABC-257 dated 5/18/11; (4)
24 Sales, service, and consumption of alcoholic beverages shall be made only from

25

1 stationary bar or waiter/waitress services, and shall not be sold, served or delivered to
2 customers by individual ambulatory vendors; (5) The petitioner shall post sign(s),
3 measuring no less than 12 x12 inches with lettering no smaller than two (2) inches in
4 height that read "No Alcoholic Beverages beyond This Point" at all permitted exits,
5 entrances and entrances to the theatre seating area as depicted on the ABC-257 dated
6 5/18/11; (6) An employee or security guard shall be assigned the responsibility of
7 ensuring all alcoholic beverages remain inside the permitted lobby area whenever the
8 privileges of the ABC license are being exercised; (7) The sale of alcoholic beverages
9 for consumption off the premises is strictly prohibited; (8) Beer shall be dispensed, sold
10 and served only in containers being no larger than 16 ounce capacity. These
11 containers shall bear distinctive markings making them easily distinguishable from other
12 non-alcoholic beverages provided by the licensee; (9) No person may be served and/or
13 sold more than two containers of beer; (10) The petitioner(s) shall be responsible for
14 maintaining free of litter the area adjacent to the premises over which they have control,
15 as depicted on the ABC-257 dated 5/18/11; (11) Loitering (loitering is defined as "to
16 stand idly about; linger aimlessly without lawful business") is prohibited on any
17 sidewalks or property adjacent to the licensed premises under the control of the
18 licensee as depicted on the ABC-257; (12) No noise shall be audible beyond the area
19 under the control of the licensee(s) as defined by the ABC-257 dated 5/15/11; (13) The
20 exterior of the premises shall be equipped with lighting of sufficient power to illuminate
21 and make easily discernible the appearance and conduct of all persons on or about the
22 premises. Additionally, the position of such lighting shall not disturb the normal privacy
23 and use of any neighboring residences; and (14) The interior lighting maintain therein
24 shall be sufficient to make discernible the appearance and conduct of all persons and
25

1 patrons in that portion of the premises where alcoholic beverages are sold, served,
2 delivered or consumed; now, therefore, be it

3 RESOLVED, That in accordance with Section 23958.4 of the California Business
4 and Professions Code, the Board of Supervisors of the City and County of
5 San Francisco hereby determines for the foregoing reasons that the issuance of a Type
6 40 license to George Rush for the Roxie Theatre, located at 3117-16th Street, will serve
7 the public convenience or necessity of the people of the City and County of
8 San Francisco; and

9 FURTHER RESOLVED, That the Board of Supervisors of the City and County of
10 San Francisco hereby endorses and adopts the recommendations of the Police
11 Department listed above, excluding recommendations limiting consumption and service
12 to the theater lobby alone, and recommends that the Department of Alcoholic Beverage
13 Control issue the license with those conditions. The Board of Supervisors recommends
14 that the Department of Alcoholic Beverage Control issue the license with a condition
15 that alcoholic beverages may be consumed in both the lobby area and in the theater
16 proper.



City and County of San Francisco

Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 120695

Date Passed: September 18, 2012

Resolution to consider the issuance of a Type 40 license to the Roxie Theater located at 3117-16th Street (District 6), will serve the convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license.

September 10, 2012 City Operations and Neighborhood Services Committee - PREPARED IN COMMITTEE AS A RESOLUTION

September 10, 2012 City Operations and Neighborhood Services Committee - RECOMMENDED

September 18, 2012 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

September 18, 2012 Board of Supervisors - ADOPTED AS AMENDED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

File No. 120695

I hereby certify that the foregoing Resolution was ADOPTED AS AMENDED on 9/18/2012 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor
Date Approved