

1 [Liquor License - 3117-16<sup>th</sup> Street]

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3 **Resolution determining that the issuance of a Type 40 license to George Rush for**  
4 **the Roxie Theatre, located at 3117-16<sup>th</sup> 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.**

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10 WHEREAS, George Rush is seeking the issuance of a Type 40 license for the  
11 Roxie Theatre, located at 3117-16<sup>th</sup> 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

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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  
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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 3117-16<sup>th</sup> 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.

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