File No	141116	Committee I Board Item I	tem No. <u>2</u> No. <u>/</u> 0			
COMMITTEE/BOARD OF SUPERVISORS AGENDA PACKET CONTENTS LIST						
Committee:	Neighborhood Services &	Safety	Date February 5, 2015			
Board of Su	pervisors Meeting		Date February 24, 2015			
Cmte Boar	Motion Resolution Ordinance Legislative Digest Budget and Legislative A Legislative Analyst Report Youth Commission Report Introduction Form (for he Department/Agency Covernment Information Form Grant Budget Subcontract Budget Contract/Agreement Form 126 – Ethics Command Letter Application Public Correspondence	rt ert earings) er Letter and				
OTHER	(Use back side if additio	nal space is	needed)			
	Liquor License PCN Requ	est				
Completed	-	Date_	1/30/15			

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document can be found in the file.

PREPARED IN COMMITTEE

FILE NO. 141116

RESOLUTION NO.

[Liquor License - 3117-16th Street]

2 3

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

WHEREAS, George Rush is seeking the issuance of a Type 40 on-sale beer license for the Roxie Theater, located at 3117-16th Street; and,

 WHEREAS, The Planning Department has verified that the area is properly zoned and recommends approval; and,

 WHEREAS, The Police Department has filed zero (0) protests with the Department of Alcoholic Beverage Control under California Business and Professions Code, Section 24013, and recommends that the Department of Alcoholic Beverage Control issue the liquor license with conditions; and

WHEREAS, The conditions recommended by the Police Department are the following: 1) Whenever the privileges of the license are being exercised an employee or security guard shall monitor the activity within the theater as well as the lobby on a regular basis; 2) All adult patrons shall wear a color coded wristband to signify that they are of legal age; and 3) Sale and service of beer may commence one hour before the start of the event and must be suspended one hour prior to the scheduled and of the event, now, therefore, be it

Neighborhood Services & Safety Committee BOARD OF SUPERVISORS

Page 1 2/5/15

RESOLVED, That in accordance with California Business and Professions Code, Section 23958.4, the Board of Supervisors of the City and County of San Francisco hereby determines that the issuance of a Type 40 on-sale beer license to George Rush for the Roxie Theater, located at 3117-16th Street, will serve the public convenience or necessity of the City and County of San Francisco; and, be it

FURTHER RESOLVED, That the Board of Supervisors of the City and County of San Francisco hereby endorses and adopts the recommendations of the Police Department listed above, and recommends that the Department of Alcoholic Beverage Control issue the license with those conditions.

Neighborhood Services & Safety Committee BOARD OF SUPERVISORS



San Francisco Police Department ABC Liaison Unit



Alcoholic Beverage License -Public Convenience or Necessity Recommendation

To:

The San Francisco Board of Supervisors' Committee on Neighborhood

Services and Safety

Supervisor David Campos Supervisor Eric Mar Supervisor Norman Yee

From:

Lieutenant Dave Falzon

ABC Liaison Unit (ALU) 553-1049

Date:

October 29, 2014

Subject:

P.C.N. Investigation Regarding:

DBA: Roxie Theater 3117 and 3125 16th Street George Rush 415/393-8005

George Rush on behalf of The Roxie Theater has filed an application with the California Department of Alcoholic Beverage Control (ABC) seeking a Type-40 (On-Sale Beer) for 3117 and 3125 16th Street (located between Valencia and Guerrero Street).

It should be noted that during the application process, notification date for the 500' mailer was on October 16, 2014. The Notice to the Public was posted on October 3, 2014.

For the purposes of this hearing, the California Department of Alcoholic Beverage Control (ABC) seeks a determination from the Board of Supervisors as to the approval or denial of this license.

Police Calls for Service:

From October 2, 2013 to October 1, 2014

1

Police Reports:

From October 2, 2013 to October 1, 2014

0

San Francisco Plot Information:

This premise is located in Plot 413

The High Crime area is defined as 99 or more police reports in a plot.

This plot had 232 police incidents recorded for 2013.

Applicant premises is located in a "High Crime" area.

State Census Tract Information:

This premise is located in Census Tract 0202.00

Population for this tract is: 6,269

On-sale license authorized by census tract: 21

Active on-sale licenses: 37

Off-sale licenses authorized by census tract: 6

Active off-sale licenses: 11

Applicant premise is currently located in an "undue concentration" area.

Letters of Protest:

0 recorded with the California Department of Alcoholic Beverage Control, (ABC).

Letters of Support:

0 recorded with the California Department of Alcoholic Beverage Control, (ABC).

Departmental Recommendation:

Mission Police Station is not opposed to this application.

ALU recommends approval. The following conditions have been recommended to the California Department of Alcoholic Beverage Control, (ABC) in addition to the existing conditions:

1. Whenever the privileges of the license are being exercised an employee or security guard shall monitor the activity within the theater as well as the lobby on a regular basis.

- 2. All adult patrons shall wear a color coded wristband to signify that they are of legal age.
- 3. Sale and service of beer may commence one hour before the start of the event and must be suspended one hour prior to the scheduled and of the event.

*It should be noted that I spoke with Shae Green (Director of operations at the Roxie Theatre) on 10/27/14 who stated that she agrees with the addition of the above recommended conditions.

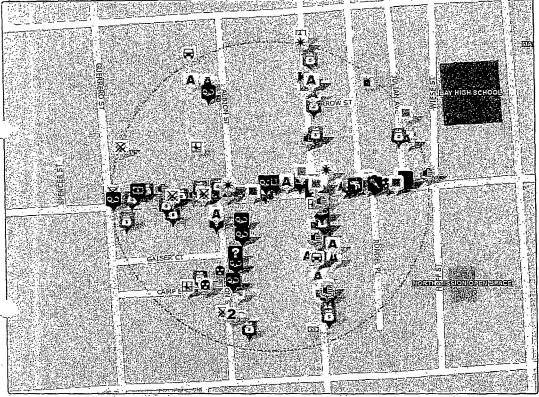
Thank you

40-550499 3117 16th Street

10/2/2013-10/1/2014 500 ft.







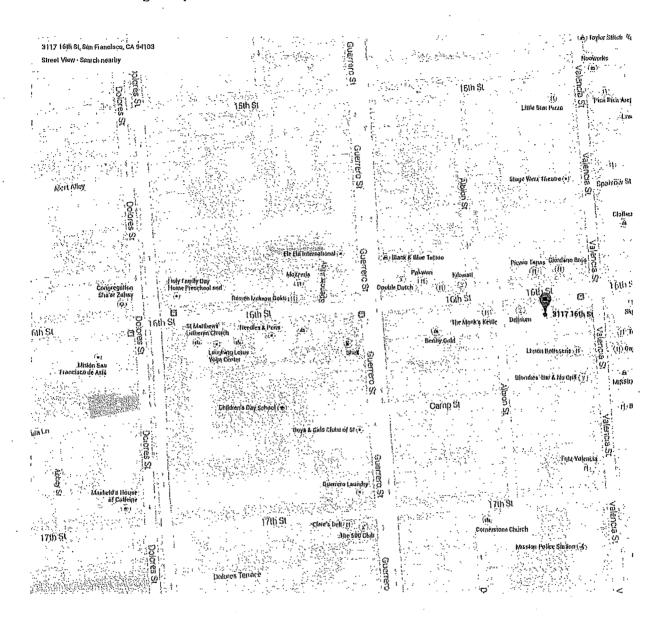
Map Legend Incidents (620) Larceny/Theft (120) Assault (75) Warrents (69) Other Offenses (64) Non-Criminal (60) Drug/Narcotic (42) Warrants (35) Robbery (26) Burglary (20) Vandalism (18) Fraud (17) Suspicious Occurrence (11) Secondary Codes (10) Weapon Laws (10) Drunkenness (9) Missing Person (8) Vehicle Theft (7) Forgery/Counterfeiting (4) Kidnapping (3) Sex Offenses, Forcible (3) Trespassing (2) Suicide (2) Arson (2) ₽. Embezzlement (1) Homicide (1)

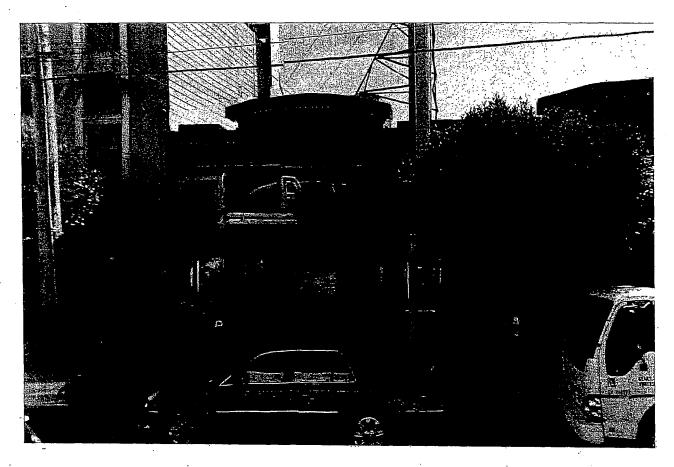
All representations on this map are distributed and transmitted "AS IS" without warranties of any kind, either expressed or implied including without limitation, warranties of title or implied warranties of merchantability or fitness for a particular purpose. In no event shall San Francisco Police Department become liable to users of these data for any loss or damages, consequential or otherwise, including but not limited to time, money, goodwill, arising from the use, operation or modification of the data. The visual presentation of data is being provided strictly as a courtesy, not as an obligation to its users.

WARNING: This map does not meet the national map accuracy standards.

CrimeView Server Printed: 11/6/2014 1:36:41 PM

Liquor,Laws (1)







LIQUOR LICENSE REVIEW

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DATE:	October 28	, 2014	Record	. 12014-00	N FLD MIS
PLEASE E	MAIL YOUR I hborhood Ser	heduled to be heard in RESPONSE BY: Dece vices and Safety Comm vans@sfgov.org - Fa	ember 1, 2014, to nittee.	Derek Evans,	
Applicant and Busin		George Rush Roxie Theater (3117 and 3125 16 th	Street)		
Applicant and Phone		220 Montgomery Str San Francisco, CA 9 (415) 393-8005			
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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

Res Request for "PCN"

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To the Clerk of the Board:

I am the legal representative for the Roxie Theater, and am witting 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 Saporday 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 chywide 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-life 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 not anybody else within the subdistrier has complained about loitening, public drinkenness, 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 theaten, which has been serving the city of San Francisco for over a century.

It is a growing concern in San Francisco that sligle 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 doctime number 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 affort 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

220 MONTGOMERY STREET, SUITE 411 - SAN FRANCISCO, CA - 94104 - PHONE: 415.393.8005 FAX: 415.393.8021

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

220 MONTGOMERY STREET, SUITE 411- SAN FRANCISCO, CA • 94104
PHONE: 415.393.8005 • FAX: 415.393.8021

TO: Department of Alcoholic Beverage Control 33 NEW MONTGOMERY STREET SUITS 1239 SAN FRANCISCO, CA 94705 (A15) 35-66700 DISTRICT SERVING LGCATION: AN FRANCISCO First Owner ROXIE THEATRE SILT SERVING LGCATION: AN FRANCISCO First Owner ROXIE THEATRE SILT SERVING LGCATION: AN FRANCISCO First Owner ROXIE THEATRE SILT SERVING LGCATION: AN FRANCISCO First Owner ROXIE THEATRE SILT SERVING LGCATION: AN FRANCISCO First Owner ROXIE THEATRE SILT SERVING LGCATION: AN FRANCISCO First Owner ROXIE THEATRE SILT SERVING LGCATION: AN FRANCISCO First Owner ROXIE THEATRE SILT SERVING LGCATION: AN FRANCISCO COUNTY SAN FRANCISCO CA 94703-3327 COUNTY COUNTY REPRESENTED THE THE DESIGNATION OF THE SERVING THE SAN FRANCISCO COUNTY REPRESENTATION SAN FRANCISCO, CA 94703-3327 Transferois Registerrame: 512695 / ROXIE-THEATRE THE DESIGNATION OF THE SERVING TO PREMISE TRANSFER NA YO 1002/14 \$100.00 License Type Transaction Type Fee Type Missier Dup Date Receipt Number: 2227488 License Type Transaction Type Fee Type Missier Dup Date Receipt Number: 2227488 Receipt Number: 2227488 Receipt Number: 2227488 Control Date Receipt Number: 2227488 Control Receipt Number: 2227488 Receipt Number: 22014	Department of Alcoholic APPLICATION FOI ABG211 (699)			(CENSE(S)	State of 0	California M. ISABET	_Fano
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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

Re: Request for "PCN"

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

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BOARD OF SUPERVISOR
SAM FRANCISCO
2014 OCT 28 PM 2: 31

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

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

Re: Request for "PCN"

- Type 40 issuance

BOARD OF SUPER YIS CF.
2014 OCT 24 PM 2: 47

To the Clerk of the Board:

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Best Regards,

George Rush

Attorney at Law

LIQUOR LICENSE REVIEW

TO:		gers/CTYPLN ell/CTYPLN/S	I/SFGOV SFGOV@SFGOV				
TO: DATE:	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 Na and Busines		George Rush Roxie Theate (3117 and 31					
Applicant A		220 Montgon San Francisc (415) 393-80	•	l 1			
PLANNING COMMENTS: Approval Denial							
POLICE (COMMEN	ΓS:	☐ Approval	☐ Denial			

Department of Alcoholic Beverage Control State of California APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S) ABC 211 (6/99) TO: Department of Alcoholic Beverage Control File Number: 550499 33 NEW MONTGOMERY STREET Receipt Number: 2257484 Geographical Code: 3800 **SUITE 1230** Copies Mailed Date: October 2, 2014 SAN FRANCISCO, CA 94105 (415) 356-6500 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 SAN FRANCISCO County: 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): Transferor's license/name: 512695 / ROXIE THEATRE THE Dropping Partner: Yes License Type Transaction Type Fee Type Master Dup Fee Date 40 - On-Sale Beer PREMISE TO PREMISE TRANSFER NA Y 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 October 2, 2014 Date: 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)

ROXIE THEATRE THE

Evans, Derek

From:

Power, Andres

Sent:

Tuesday, October 28, 2014 1:51 PM

To:

Evans, Derek; Powell, Georgia (CPC); Falzon, Dave (POL)

Cc:

Rodgers, AnMarie (CPC); Duarte, Alberto (POL); Goossen, Carolyn (BOS); Taylor, Adam

(BOS)

Subject:

RE: Liquor License - PCN Request - 3117 16th Street (Roxie Theater) - File No. 141116

The Supervisor supports this application.

Andres Power

Office of Supervisor Scott Wiener

(t) 415-554-6968

From: Evans, Derek

Sent: Tuesday, October 28, 2014 10:27 AM **To:** Powell, Georgia (CPC); Falzon, Dave (POL)

Cc: Rodgers, AnMarie (CPC); Duarte, Alberto (POL); Goossen, Carolyn (BOS); Power, Andres; Taylor, Adam (BOS)

Subject: Liquor License - PCN Request - 3117 16th Street (Roxie Theater) - File No. 141116

Hello,

Attached is a Public Convenience and Necessity Request for the subject liquor license. Please review and provide your response.

Thank you,

Derek K. Evans

Assistant Committee Clerk

Board of Supervisors

1 Dr. Carlton B. Goodlett Place, City Hall, Room 244

San Francisco, CA 94102

Phone: (415) 554-7702 | Fax: (415) 554-5163

derek.evans@sfgov.org | www.sfbos.org

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below. http://www.sfbos.org/index.aspx?page=104