

File No. 160210 Committee Item No. 5
Board Item No. 19

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Public Safety and Neighborhood Services Date October 13, 2016

Board of Supervisors Meeting

Date October 25, 2016

Cmte Board

<input type="checkbox"/>	<input type="checkbox"/>	Motion
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Resolution
<input type="checkbox"/>	<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	<input type="checkbox"/>	Legislative Digest
<input type="checkbox"/>	<input type="checkbox"/>	Budget and Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Youth Commission Report
<input type="checkbox"/>	<input type="checkbox"/>	Introduction Form
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Department/Agency Cover Letter and/or Report
<input type="checkbox"/>	<input type="checkbox"/>	MOU
<input type="checkbox"/>	<input type="checkbox"/>	Grant Information Form
<input type="checkbox"/>	<input type="checkbox"/>	Grant Budget
<input type="checkbox"/>	<input type="checkbox"/>	Subcontract Budget
<input type="checkbox"/>	<input type="checkbox"/>	Contract/Agreement
<input type="checkbox"/>	<input type="checkbox"/>	Form 126 – Ethics Commission
<input type="checkbox"/>	<input type="checkbox"/>	Award Letter
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Application
<input type="checkbox"/>	<input type="checkbox"/>	Public Correspondence

OTHER

(Use back side if additional space is needed)

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	LL Referral - 03/04/2016
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	PC Motion No. 19706
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Response Planning - 08/29/2016
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Response Entertainment Commission - 05/06/2016
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Response Police Dept - 10/05/2016
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	
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<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	

Completed by: Erica Major Date October 7, 2016
Completed by: JM Date 10/11/2016

1 [Liquor License - 644 Broadway Street]

2
3 **Resolution determining that the issuance of a Type 64 general theatre license to**
4 **Boxcar Theatre, Inc. dba Boxcar Theatre, located at 644 Broadway Street (District**
5 **3), will serve the public convenience or necessity of City and County of San**
6 **Francisco in accordance with California Business and Professions Code, Section**
7 **23958.4, and recommending that the California Department of Alcoholic Beverage**
8 **Control impose conditions on the issuance of the license.**

9
10 WHEREAS, Boxcar Theatre, Inc. is seeking the issuance of a Type 64 general
11 theatre license dba Boxcar Theatre located at 644 Broadway Street (District 3); and

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

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

18 WHEREAS, The conditions recommended by the Police Department are the
19 following: 1) Loitering (defined as "to stand idly about; linger aimlessly without lawful
20 business") is prohibited on any sidewalks or property adjacent to the licensed premises
21 under the control of the licensee as depicted on the ABC-257; 2) no noise shall be
22 audible beyond the area under the control of the licensee as define on the ABC-257; 3)
23 the sale of alcoholic beverages for off-sale consumption is strictly prohibited; and 4)
24 alcoholic beverages shall be served in containers which significantly differ in
25

1 appearance from those containers utilized for non-alcoholic beverages. Containers for
2 beer shall not exceed 16 ounces; now, therefore, be it

3 RESOLVED, That in accordance with California Business and Professions Code,
4 Section 23958.4, the Board of Supervisors of the City and County of San Francisco
5 hereby determines that the issuance of a Type 64 general theatre license to Boxcar
6 Theatre, Inc. dba Boxcar Theatre located at 644 Broadway Street (District 3), will serve
7 the public convenience or necessity of the City and County of San Francisco; and, be it

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

Received via email
10/05/2016
File No. 160210




San Francisco Police Department
ABC Liaison Unit



*Alcoholic Beverage License -
Public Convenience and
Necessity Recommendation*

To: The San Francisco Board of Supervisors' Committee on Public Safety
and Neighborhood Services

Supervisor Jane Kim
Supervisor John Avalos
Supervisor David Campos

From: Lieutenant Dave Falzon 
Officer in Charge
ABC Liaison Unit (ALU) 415-837-7287

Date: October 5, 2016

Subject: P.C.N. Investigation Regarding: 644 Broadway St
DBA: Boxcar Theatre
644 Broadway
(415) 575-9017

Carrie Peters on behalf of Boxcar Theatre Inc, has filed an application with the California Department of Alcoholic Beverage Control seeking a -Type 64 (Speacial On-Sale General Theatre) License for 644 Broadway St (Located between Stockton and Grant St).

Hours of Operation:

Varies

Depending on performance

Digest:

Boxcar Theatre Inc. would like to have cocktail bars inside of their speakeasy styled theatre located at 644 Broadway St. If approved, this license will allow them to sell on sale beer, wine, and distilled spirits.

Letters of Protest:

0

Letters of Support:

0

Police Calls for Service:

From February 2015 to February 2016

7 Calls for service

Police Reports:

From February 2015 to February 2016: 1

San Francisco Plot Information:

This premise is located in Plot 130

A High Crime area is defined as 99 or more police incidents in a plot for the year of 2015.

This plot had 177 police incidents for 2015, which is 78 over the Citywide "High Crime" average.

State Census Tract Information:

This premise is located in Census Tract 107.00

Population for this tract is: 5,592

On-sale license authorized by census tract: 20

Active on-sale licenses: 87

Off-sale licenses authorized by census tract: 5

Active off-sale licenses: 10

Departmental Recommendation:

Points of consideration: 1-St Francis of Assisi Church

Central Station has no opposition

Applicant premise **is** located in a **"high crime"** area.

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

0 - Record of protest.

0 - Record of support.

ALU Recommendation: Approval with the following conditions:

1. Loitering (loitering is defined as "to stand idly about; linger aimlessly without lawful business") is prohibited on any sidewalks or property adjacent to the licensed premises under the control of the licensee as depicted on the ABC-257, dated _____.
2. No noise shall be audible beyond the area under the control of the licensee as defined on the ABC-257, dated _____.
3. The sale of alcoholic beverages for off-sale consumption is strictly prohibited
4. Alcoholic beverages shall be served in containers which significantly differ in appearance from those containers utilized for non-alcoholic beverages. Containers for beer shall not exceed 16 ounces.

August Alley

Beach Blanket Babylon

Columbus Ave

Green St

Sotto Mare

Maykadeh
Persian Cuisine

Green St

North Star Cafe

Stockton St

Columbus Ave

Vallejo St

Vallejo St

Vallejo St

Capo's

Fresno St

Grant Ave

Green T
Hostel

644 Broadway

Broadway

Broadway

Keamy St

Columbus Ave

City Lights Booksellers
& Publishers

Broadway

Broadway

Funnel

Broadway

Cordelia St

Stockton St

Pacific Ave

Comstock Saloon

Pacific Ave

Beckett St

Keamy St

Trenton

Pacific Ave

Pows

41 Mason Pacific

Goole



644 Broadway

Google

AP

LIQUOR LICENSE REVIEW

TO: Planning Department
AnMarie Rodgers/CTYPLN/SFGOV
Georgia Powell/CTYPLN/SFGOV@SFGOV
Fax No.: (415) 558-6409

File: 160210

TO: Police Department
Inspector Nelly Gordon
Phone: (415) 837-7273

DATE: March 4, 2016

Block/Lot: 0146/006
Zoning: CCB
Quad: NE
Record # 2016-003071 MIS

This item is tentatively scheduled to be heard in four to six weeks.

PLEASE EMAIL YOUR RESPONSE BY: April 13, 2016, to Erica Major, Public Safety and Neighborhood Services Committee Clerk.

Erica.Major@sfgov.org - Fax No: 554-7771


Applicant Name: Boxcar Theatre Inc.
and Business Name: (644 Broadway Street)

Applicant Address: 644 Broadway Street
San Francisco, CA 94133
and Phone No. (415) 967-2227

PLANNING COMMENTS: ☒ Approval ☐ Denial

Type 64 License is permitted in conjunction with Live Performance Theater and Bar uses, permitted in the CCB District per P.C. Sec. 810.47a, 810.41, and approval of CPC Motion No. 19706.

POLICE COMMENTS: ☐ Approval ☐ Denial


Andrew Perry 8/29/16

For Health Department Use Only

Date Application Filed: 1-26-16	Health District: 2 3 4 5	OTHER:
Date to Zoning: 1-27-16	Inspector: K. CHAN	Phone: 252-3837
Date from Zoning:	Supervisor Initials:	Date: 1-27-16



CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF PUBLIC HEALTH, ENVIRONMENTAL HEALTH
1390 Market Street, Suite 210, San Francisco, CA 94102

RECEIVED

JAN 28 2016

Zoning Referral for Health Permit

1. Business Information

CITY & COUNTY OF S.F.

BUSINESS STREET ADDRESS:	PLANNING DEPARTMENT TAC TEAM
644 Broadway, Lower Level, San Francisco CA 94133	
NAME OF BUSINESS:	
Boxcar Theatre, Inc.	

TOTAL GROSS SQUARE FEET (GSF) OF AREA (includes storage and bathroom areas):	OUTDOOR SEATING AREA? (If Yes, plans may be required)
9,000	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
WHAT FLOOR OF THE BUILDING WILL THE BUSINESS OCCUR?	
<input type="checkbox"/> Ground (First) Level <input type="checkbox"/> Second Level <input type="checkbox"/> Third Level <input checked="" type="checkbox"/> Other Level: Lower Level	

1a. Change of Use (depending on the zoning of the property, neighborhood notification may be required):

☐ Yes ☒ No

If yes, what is the existing use? _____

1b. Change of Ownership?

☐ Yes ☒ No

If not a change of ownership, then is it a new establishment?

☒ Yes ☐ No

1c. Is the establishment vacant?

☒ Yes ☐ No

If yes, how long was the establishment vacant? 2 years

1e. Do you proposed to alter the interior or exterior of the establishment?

☒ Yes ☐ No

If yes, what is the Building Permit Application Number? _____

1f. Is the business a Formula Retail Chain with 11 or more locations within the U.S.?

☐ Yes ☒ NoIf yes, a Formula Retail Affidavit is required. (Formula Retail - P.C. Sec. 703.3 & 703.4)

2. Type of Operation

Please indicate the type of operation (summary descriptions on reverse):

<input type="checkbox"/> Restaurant 790.91	<input type="checkbox"/> Limited Restaurant 790.90
<input type="checkbox"/> Bar 790.22	<input type="checkbox"/> General / Specialty Grocery 790.102(a) and (b)
<input checked="" type="checkbox"/> Other: Theater	

If Other, please describe more about this type of operation:

Live performance theater serving beverages and prepared packaged food

2a. Accessory Use (Business within another business)?

☐ Yes ☒ NoIf yes, plans are required.

2b. Days / Hours of Operation: Mon-Sun, 12 noon to 2 am

3. Applicant's Affidavit

NAME:	
Nick A. Olivero	<input type="checkbox"/> Property Owner <input checked="" type="checkbox"/> Authorized Agent
MAILING ADDRESS: (STREET ADDRESS, CITY, STATE, ZIP)	
1415 Broderick Street, San Francisco CA 94133	
PHONE:	EMAIL:
(415) 5,961,747	nicko@boxcartheatre.org

- I am the owner or authorized agent of the owner of this property.
- The information presented on this application is true and correct to the best of my knowledge.
- Additional information or applications may be required in order to render this application complete.

Applicant's Signature: Nick A. Olivero Date: 11/24/15

PLEASE SUBMIT THIS FORM TO:

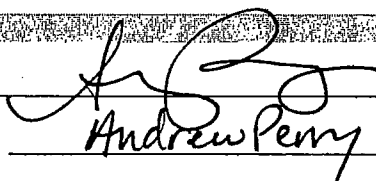
Department of Public Health, Environmental Health
1390 Market Street, Suite 210
San Francisco CA 94102
(415) 252-3800

3690

86377

PLANNING DEPARTMENT USE ONLY

BLOCK/LOT: 0146/006	ZONING: CCB	RUB/SUD:	LCU/NCU:
ZONING REFERRAL NUMBER:	OFFICIAL SITE ADDRESS (if different):		
BPA NUMBER: 2016-001405MLS	312 NOTICE COMPLETE: <input type="checkbox"/> Yes <input type="checkbox"/> No		PRELIMINARY SCREENING: <input type="checkbox"/> Yes <input type="checkbox"/> No
CASE NO.:	MOTION NO.:	EFFECTIVE DATE:	CONDITIONS: <input type="checkbox"/> Yes <input type="checkbox"/> No
OTHER:			
ADDITIONAL DOCUMENTS REQUIRED: <input type="checkbox"/> SITE PLAN <input type="checkbox"/> MESSAGE DOCS <input type="checkbox"/> OTHER:			

RECOMMENDATION:	Per Planning Code Section:
<input checked="" type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL	810.47a, 810.41, 803.2(b)(1)(B)(iii), Motion 19706
CONDITIONS OF APPROVAL:	
COMMENTS: Live performance theater and Bar use are permitted within the CCB District per P.C. sec. 810.47a, 810.41, and CPC Motion 19706.	
AUTHORIZATION:	
Signature: 	Date: 8/29/16
Printed Name: Andrew Perry	Phone: (415) 575-9017

Restaurant ^{790.91}: A retail eating and/or drinking use which serves prepared, ready-to-eat cooked foods to customers for consumption on or off the premises and which has seating. It may have a Take-Out Food^{790.122} as a minor and incidental use. It may provide on-site alcohol sales for drinking on the premises (ABC Types 41, 47, 49, 59, or 75); however, if it does it is required to operate as a Bona Fide Eating Place^{790.142}. It is not required to operate within an enclosed building per Section 703.2(b)(1) so long as it is also a Mobile Food Facility^{102.34}. Any outdoor seating and/or dining area is subject to regulation as an Outdoor Activity Area.

Limited Restaurant ^{790.90}: A retail eating and/or drinking use which serves ready-to-eat foods and/or drinks to customers for consumption on or off the premises, that may or may not have seating. It may provide off-site beer and/or wine sales for consumption off the premises with an ABC Type 20 license within the accessory use limits of Section 703.2(b)(1)(C)(vi).

Bar ^{790.22}: A retail use which provides on-site alcoholic beverage sales for drinking on the premises. ABC License Types include: 42, 48, or 61 (no minors permitted on premises) and 42 or 60 (minors permitted on premises).

General Grocery ^{790.102(a)}: A retail food establishment that offers a diverse variety of unrelated, non-complementary food and non-food commodities. May provide beer, wine, and/or liquor sales for consumption off the premises with ABC Type 20 or 21 within the accessory use limits of Section 703.2(b)(1)(C)(vi). May prepare minor amounts or no food on-site for immediate consumption.

Specialty Grocery ^{790.102(b)}: A retail food establishment that offers specialty food products, such as baked goods, pasta, cheese, confections, coffee, meat, seafood, produce, artisanal goods and other specialty food products, and may also offer additional complementary food and non-food commodities. May provide beer, wine, and/or liquor sales for consumption off the premises with ABC Type 20 or 21 within the accessory use limits of Section 703.2(b)(1)(C)(vi). May prepare minor amounts or no food on-site for immediate consumption.

Other may include: Massage Establishment ^{790.60}, Tobacco Paraphernalia Establishment ^{790.123}, Medical Cannabis Dispensary ^{790.141}, Service, Personal ^{790.116}, Take-out Food ^{790.122}

For more information regarding types of establishments, zoning, and Planning Code questions, you may go on-line to www.sfplanning.org or contact the Planning Information Center (PIC) for more information:

Planning Information Center (PIC)
1660 Mission Street, First Floor
San Francisco CA 94103-2479
TEL: **415.558.6377**



Application for Food Permit to Operate or Certificate of Sanitation

Applicant must complete items 1-19. Accurate information is required.

- Date: 9/20/16 1. Business Name (DBA): Boxcar Theatre INC.
2. Business Address: 644 Broadway, Lower Level, San Francisco CA 94133 ☐ Yes, mailing address
3. Type of transaction: ☐ Ownership Change ☒ New Installation ☐ Reclassification ☐ Record Purposes
4. Type of ownership: (check one) ☐ Sole Owner ☐ Partnership ☒ Corporation ☐ LLC ☐ LP
5. Ownership Name: Boxcar Theatre, Inc.
- List major officers if applicable: Nick A. Olivero, Artistic Director
6. Owner Address: 1415 Broderick Street, San Francisco CA 94115 ☒ Yes, mailing address
7. Business Phone #: 415-596-1747 8. Owner #: 415-596-1747 9. Alternate #: _____
10. Email: nicko@boxcartheatre.org 11. Type of Food Business: Bars/Taverns without food prep
12. Prepackaged non-hazardous food sales only? ☒ Yes ☐ No If yes, what is the SQ. FT for all food displays: 100
13. Will this operation prepare food or beverages? ☐ Yes ☒ No 14. Will you be cooking food? ☐ Yes ☒ No
- If yes, list types of cooking equipment: _____
15. Will you warm or reheat food? ☐ Yes ☒ No If yes, list warming equipment: _____
16. Do you have patron seating? ☒ Yes ☐ No If yes, # of seats: 180 17. No. of restrooms: 12
18. Are you currently operating at this site? ☐ Yes ☒ No If no, date of anticipated opening: 4/15/16
19. Signature(s) of all Owner(s) and Officer(s):

X Nick A. Olivero X X X

20. Prior to application approval, the applicant shall submit copies of the following:

- | | Submitted |
|--|--------------------------|
| A. City and County of San Francisco Business Registration Certificate | <input type="checkbox"/> |
| B. If preparing food, a menu or listing of all foods served | <input type="checkbox"/> |
| C. A drawing of premises depicting all rooms with new and existing equipment | <input type="checkbox"/> |
| D. Certificate of Liability Insurance for Workers' Compensation | <input type="checkbox"/> |
| E. California State Board of Equalization Seller's Permit | <input type="checkbox"/> |

For Department of Public Health Office Use Only

Special application or facility notes: 1/26/16: CK 4885 (\$598)

Filing Fee: \$341 Zoning Ref. Fee \$137 Out 1/27 In _____ SFFD Ref. Fee: \$120 Out 1/27 In _____
Receipt #: 70446 Previous Owner Out of Business Notification: _____ Other: _____

Inspector's Report

To the Director of Public Health:

After having made a careful inspection in the above case on _____ (Date)

I recommend the issuance of a New Permit to operate ☐ Permit Activation Date: _____

I disapprove the issuance of a New Permit to operate ☐ for the following reasons:

X _____
Inspector

X _____
Principal Inspector

District #	Census Tract	BAN #	Permit #	Type of Permit/Classification/Limitations	Loc. ID:
4	107A	0423020		3692	86377



Entertainment Commission
City and County of San Francisco

PERMIT INSPECTION RECOMMENDATION

To: ☐ Building Inspection ☐ Planning Department
☐ Electrical Inspection ☐ Department of Public Health
☐ San Francisco Police Department ☐ EC Sound Inspector
☐ San Francisco Fire Department

From: The Entertainment Commission

Date: May 6, 2016

Block/bt: 0146/006
Zoning CCB
Quota: NE
Record # 2016-005980ml

We have received the attached application for a Place of Entertainment permit at the address below:

Name: Olivero, Nicholas, Boxcar Theatre, Inc.
DBA: Boxcar Theatre
Address: 644 Broadway Street
Hearing date: June 7, 2016

We share the hearing date for your information. Except for Planning and SFPD, we do not need a response before the hearing date.

Please check the box next to your department and share your recommendation below.

Recommend Approval - Live performance theater and bar use are permitted within the CCB District per P.C. Sec. 810.47a, 810.41, and approval contained in CPC Motion No. 19706. The change of use of previous movie theater use also permitted under P.C. Sec. 803.2(b)(4)(B)(iii) and the same CPC motion 19706.


Andrew Perry 8/29/16

Entertainment Commission

PERMIT APPLICATION

Type of Permit: POE

☒ New Application ☐ Renewal: Old # _____

Date: 5/21/2016

☐ Amendment

Receipt No.: _____

☐ Adding Partners to Existing Permit # _____

Part 1: Please Print Clearly - Complete Entire Front Side

Applicant's Name				Residence Address				Residence Phone	
Olivero	Nicholas	A.							
Last	First	Middle		Number	Street	Apt#	City	State	Zip
Race	Sex	Height	Weight	Eye Color	Hair Color	Date of Birth		Place of Birth	
(Optional)									

Driver's License Number and State

Social Security Number

Any Other Name(s) Used

Mailing Address (if different than residence)

Number Street Apt# City State Zip

Business Name / Employed By / Name of Organization

Business Address

Boxcar Theatre, Inc. (nonprofit)

644 Broadway, San Francisco CA 94133

Number Street Apt# City State Zip

If Corporation, give name

Date and Place of Incorporation

Business Phone

Boxcar Theatre, Inc. (nonprofit)

June 1, 2007 / California

415-596-1747

List your residences for the last five years. (Use additional form, if necessary)

From Date To Date Address Resided At (Number, Street, Name, City)

List your employment for the last five years. (Use additional form, if necessary)

From Date	To Date	Company Name	Company Address	Type of Work
6/1/2007	Present	Boxcar Theatre	644 Broadway, San Francisco CA 94115	Artistic Director

Have you ever been convicted of, or plead guilty or No Contest to any Crime?

If yes, provide the information required below. Use additional forms if necessary. Failure to provide full information relative to prior convictions, guilty pleas or no contest pleas may be considered cause to deny the permit.

Offense	Date	Place of Arrest	Disposition

Entertainment Commission

Part 2: Mechanical Amusement Device, Billiard Parlor, or Family Recreation Center

These permits do not include jukeboxes

Office Use Only

Total number of devices, subject to permit, to be placed, maintained, or operated: N/A

Warrants

What type of business, if any, is now operated at the place where said devices are to be placed, maintained, or operated?

Give a complete description of each device to be operated:

No. of Pinball

No. of Video

No. of

Machines: N/A

Games: N/A

Pool tables: N/A

No. of other devices (describe):

Give the name of the company, corporation, or individual from whom the machines are being rented. If self-owned, state so:

Part 3: Additional Mechanical Amusement Device, Billiard Parlor, or Family Recreation Center.

These permits do not include jukeboxes

How many devices do you have on the premises now:

No. of Pinball

No. of Video

No. of

Machines: N/A

Games: N/A

Pool tables: N/A

No. of other devices (describe):

How many devices are to be added by this application:

No. of Pinball

No. of Video

No. of

Machines: N/A

Games: N/A

Pool tables: N/A

No. of other devices (describe):

Part 4: Acknowledgement and Declaration

I, N. W. A. OLIVER, understand that there may be sections of the San Francisco Municipal Code that are applicable to my business and/or permit. There are copies of the San Francisco Municipal Code available at City Hall, The Public Library, and legal bookstores. If a Letter of Intent is required, I acknowledge that the Letter of Intent is part of the application, and I declare under penalty of perjury that the foregoing is true and correct. Executed at San Francisco, California. I understand that any false or incomplete information provided by me, relative to this application, may be considered cause to either deny the requested permit or revoke the permit that is granted.

Date: 5/2/16

Signature of Applicant: [Signature]

Office Use Only

Hearing Date	Received By	Temp. Issued By	Class Date	

NOTE: READ INSTRUCTION PRIOR TO COMPLETING THIS FORM

INSTRUCTIONS:

1. SOLE PROPRIETOR APPLICANT: COMPLETE SECTION A & E
2. CORPORATE APPLICANT: COOMplete A, B, D, & E
3. PARTNERSHIP APPLICANT: COMPLETE SECTION A, C, D, & E

LETTER OF INTENT FORM
SAN FRANCISCO ENTERTAINMENT COMMISSION

DATE 4/28/16

TYPE OF PERMIT(S) Place of Entertainment			
SECTION A			
APPLICANT'S NAME Nick A. Olivero Nicholas		RESIDENCE ADDRESS	
LAST FIRST MIDDLE	NUMBER STREET APT# CITY STATE ZIP CODE	RESIDENCE PHONE	
BUSINESS NAME Boxcar Theatre Inc. (nonprofit)		BUSINESS ADDRESS	
LAST FIRST MIDDLE	NUMBER STREET APT# CITY STATE ZIP CODE	BUSINESS PHONE 415-596-1747 (cell)	
PHONE NUMBER WHERE YOU CAN BE CONTACTED BETWEEN 9:00 A.M. AND 5:00 P.M. 415-596-1747 (cell)			
NAMES AND ADDRESS OF PERSONS WHO WILL HAVE DIRECT AUTHORITY AND/OR CONTROL OF PREMISES:			
NAME Nick A. Olivero		RESIDENCE ADDRESS	
LAST FIRST MIDDLE	NUMBER STREET APT# CITY STATE ZIP CODE	RESIDENCE PHONE	
NAME David Gluck		RESIDENCE ADDRESS	
LAST FIRST MIDDLE	NUMBER STREET APT# CITY STATE ZIP CODE	RESIDENCE PHONE	
NAME Geoffrey N. Libby		RESIDENCE ADDRESS	
LAST FIRST MIDDLE	NUMBER STREET APT# CITY STATE ZIP CODE	RESIDENCE PHONE	
NAMES AND ADDRESS OF PERSONS AUTHORIZED TO ACCEPT SERVICE OF PROCESS:			
NAME David Gluck		MAILING ADDRESS	
LAST FIRST MIDDLE	NUMBER STREET APT# CITY STATE ZIP CODE	224 28th Street, San Francisco CA 94115	
PREMISES		NAME AND ADDRESS OF OWNER	
<input checked="" type="checkbox"/> LEASED <input type="checkbox"/> OWNED <input type="checkbox"/> RENTED		Cypress Properties, 985 Moraga Road, Suite 214, Lafayette, CA 94549	
SECTION B			
NAMES AND ADDRESS OFFICER AND / OR DIRECTORS OF THE CORPORATION: (USE ADDITIONAL SHEET IF NECESSARY)			
CORPORATE TITLE President	NAME Peter Lin	RESIDENCE ADDRESS	
	LAST FIRST MIDDLE	NUMBER STREET APT# CITY STATE ZIP CODE	
CORPORATE TITLE Treasurer	NAME Eileen Attridge	RESIDENCE ADDRESS	
	LAST FIRST MIDDLE	NUMBER STREET APT# CITY STATE ZIP CODE	
CORPORATE TITLE	NAME	RESIDENCE ADDRESS	
	LAST FIRST MIDDLE	NUMBER STREET APT# CITY STATE ZIP CODE	
SECTION C			
NAME		RESIDENCE ADDRESS	
LAST FIRST MIDDLE	NUMBER STREET APT# CITY STATE ZIP CODE	RESIDENCE PHONE	
NAME		RESIDENCE ADDRESS	
LAST FIRST MIDDLE	NUMBER STREET APT# CITY STATE ZIP CODE	RESIDENCE PHONE	
NAME		RESIDENCE ADDRESS	
LAST FIRST MIDDLE	NUMBER STREET APT# CITY STATE ZIP CODE	RESIDENCE PHONE	

SECTION DHAVE PARTNERS, OFFICES, DIRECTORS OF CORPORATI, EVER BEEN CONVICTED OF ANY CRIME EXCEPT MISDEMEANOR TRAFFIC VIOLATIONS? ☐ YES ☒ NO

NAME	CHARGES	DATE & COURT	DISPOSITION OR SENTENCE
------	---------	--------------	-------------------------

NAME	CHARGES	DATE & COURT	DISPOSITION OR SENTENCE
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SECTION E

DESCRIBE IN DETAIL YOUR PROPOSED BUSINESS OR SPECIFIC ACTIVITY; (INCLUDE IN YOUR DESCRIPTION THE HOURS AND DAYS OF THE PROPOSED BUSINESS, THE SPECIFIC TYPE OF ACTIVITY, THE HOURS AND DAYS OF EACH SPECIFIC ACTIVITY, THE LOCATION IF DIFFERENT FROM THE BUSINESS ADDRESS, TYPE OF ITEMS SOLD OR RENTED, TYPE OF LIVE ENTERTAINMENT, TYPE AND LOUDNESS OF SOUND SYTEM, TYPE AND AMOUNT OF SOUNDPROOFING, AND PERMITS OR LICENSES THAT HAVE BEEN APPLIED FOR OR ARE ALREADY IN EFFECT AT THE PROPOSED LOCATION, AND ANY SPECIFIC INFORMATION AS REQUIRED BY THE SAN FRANCISCO MUNICIPAL CODE OR STATE OF CALIFORNIA CODES, WHO? WHAT? WHERE? WHY? WHEN? HOW?)

Boxcar Theatre is a nonprofit performing arts organization that has been serving San Francisco audiences since 2005. It was displaced from its venue at 125A Hyde Street in 2014 due to gentrification of the neighborhood, and received financial relocation assistance from the San Francisco Nonprofit Displacement Mitigation Program. It has signed a 10-year lease (with options for an additional 15 years) on the former single-screen movie theater at 644 Broadway.

Boxcar intends to operate the new venue as the home for "The Speakeasy," an immersive theatre experience that allows audiences to explore a replica of a 1920s San Francisco speakeasy, while 35 actors, seven musicians, and a staff of thirty re-enact life in the 1920s. The characters include patrons of the speakeasy as well as the people who run it, and depicts the hopes and struggles of the era. In keeping with the speakeasy theme, alcoholic beverages are sold during the performance.

The initial schedule will consist of one 3-hour performance given four days each week, starting at 7:30 pm on Thursday, Friday, and Saturday, and 5 pm on Sunday. If demand warrants, additional performances may be scheduled on Wednesdays and/or

Tuesdays at 7:30. Only 250 audience members are admitted to a performance; all tickets are sold in advance and there is no box office at the venue. The performance ends between 10:30 and 10:45 pm (8:15 pm Sundays), and there are no in-and-out privileges for ticket holder.

Boxcar may provide related programming, such as a Neo-Vaudeville Cabaret, following performances of "The Speakeasy," i.e., from 11:30 pm to 1 am on Friday and Saturday nights. In addition, the venue will likely be used for private parties and corporate events.

HAVE YOU EVER HAD A POLICE PERMIT? ☐ YES ☒ NO IF YES, LOCATION PERMIT USED

TYPE OF PERMIT

DATES PERMIT USED

LOCATION PERMIT USED

DECLARATION

I, Nick A. Olivero, declare under penalty of perjury that the foregoing is true and correct, executed at San Francisco, California, I understand that any false or incomplete information provided by me relative to this application may be considered cause to either deny the requested permit or revoke the permit that is granted.

5/2/16

DATE


SIGNATURE OF APPLICANT

SAN FRANCISCO ENTERTAINMENT COMMISSION
PLACE OF ENTERTAINMENT/EXTENDED-HOURS
APPLICATION QUESTIONNAIRE

All applicants must complete this questionnaire. No application will be accepted for filing until the entire questionnaire has been completed. (If necessary, attach additional sheets to answer a question).

Date: April 30, 2016

Name of Business: Boxcar Theatre, Inc. (nonprofit)

Location of Business: 644 Broadway, Lower Level

List the Entertainment Permits that you are applying for:

Place of Entertainment Permit

List the Entertainment Permits previously issued for this premises:

Unknown.

Describe the present use of the premises. (i.e: bar, restaurant, rental hall)

Vacant for 10+ years. Premises was previously operated as the New World Cinema, a
single-screen movie theater.

Operations

Days of the week open to the public: 7 days

Hours of operation: 10 am to 2 am

Days and times of entertainment: Theatre performances possibly seven days a week, including matinees, evening, and late night shows, between 2:30 pm and 1:30^{am} daily.

Type of food and/or beverage service: Full bar during theatre performances only (ABC Type 64 Theatre License). Cold prepared foods, i.e., olives, deviled eggs, charcuterie; Dry package foods, i.e., pretzels, mixed nuts.

Do you have a liquor license? (If yes, please attach a copy with any conditions) Pending

Name/number/type of liquor license: Type 64 Theatre License

If no license, describe the status of the application: Application submitted 2/22/16

Occupancy limitations: Previously certified for 435 audience members. Current plans are for 250 audience members and 75 performers/staff.

Number of employees and their duties: Up to 45 performers, 7 musicians, 10 bar staff, 6 production staff, 3 security, and 3 managers.

Name(s) of manager(s) (e.g. Bar, Food, Security, General): Nick Olivero, Creative Director; David Gluck, General Manager; Geoff Libby, Operations Director. Assistant managers to be hired.

Days/hours these managers will be on premises: One senior manager plus 2 assistant
managers on premises during all performances

Entertainment/Music

Type of entertainment/music planned: Live theatre – plays, musicals, and variety shows.

Demographic of expected clientele: SF residents and visitors ages 25-75

If sound amplification to be used, specifically describe the amplification: _____

See attached description of sound system

Have you done any sound testing? Not yet If yes, describe: Will conduct sound testing
after sound system has been installed, and will install a limiter set to acceptable levels

Do you have plans to do any soundproofing? Yes If yes, describe the
soundproofing: See attached description of acoustical measures

Please attach any acoustical consultation or other relevant materials.

Is adult entertainment to be offered? Yes ☒ No ☐ If yes, describe the entertainment: _____

Is there another adult entertainment business within 1,000 feet from your premises?

N/A If yes, list the business(es): _____

Please provide a layout of your venue:

Attached

EXTENDED-HOURS (Skip this section if not applying)

Hours of operation for proposed business: _____

Days of operation for proposed business: _____

What type of food and/or beverage will you serve? _____

What type of after-hours entertainment will you offer? _____

Have you received a copy of 1070MPC, the section governing extended-hours premises? _____

TRAFFIC AND PARKING

Describe street location and cross streets: _____

644 Broadway between Stockton and Columbus

Attach a diagram to this questionnaire, showing your street, and all cross-streets, alleys and driveways. Include the number of lanes, direction of travel, and whether streets are one-way.

Describe the parking and stopping restrictions on your block. Include both sides of the street and immediate cross-streets and alleys: _____

Metered parking until 6 pm Mon-Sat; yellow loading and white passenger zones

How many patrons are expected to arrive by car per day? 100

What will be your peak usage periods? Thu-Sat 7-8 pm; Sun 4:30-5:30 pm

How many patrons are expected to arrive by car during peak usage period? 100

Where will your patrons/member park? Give location, number of space reserved and attach contracts: No reserved parking. Metered street parking is available on adjacent commercial streets. Also numerous public parking garages (list attached).

Do you intend to offer valet parking? Give location, number of space reserved and attach contracts: N/A

Where will truck/commercial vehicle loading/unloading occur? Existing commercial loading zone on Broadway immediately in front of building entrance
Do you have a nearby passenger loading zone or red zone available for your use? If yes, describe the type of zone and location: N/A

How will parking be made available for persons with disability? N/A

ZONING

What is your zoning district? Chinatown Community Business District

Is your business within a Special Use District? No If yes, please identify the district: _____

Identify and describe the location of any school, day care facility, playground, park, or place of worship within a two block radius of your proposed location:

St. Francis of Assisi Church, 610 Vallejo; Jean Parker Elementary School, 840

Broadway

CONSTRUCTION/RENOVATION

Describe any construction, renovation or other improvements planned for building and the timetable for completion: _____

Interior remodel scheduled for completion 5/13/16

Do you have permits for this work? Yes If not, have you applied for permits? _____

Describe the steps you have taken or will take for complying with disability access requirements: Remodel design is ADA compliant and has been approved by SF DBL

SECURITY

The San Francisco Police Code Section 1060.5 has been modified and now requires a "security plan" be submitted with an application for Place of Entertainment permits. The Entertainment Commission has requested that all permit holders also comply with this requirement. By answering the following questions, you will be submitting a plan in accordance with the Police Code requirements. Please attach any further information on your security plans, if available.

1) Based on you occupancy and events programming, the law requires you to hire at least one security personnel for every hundred patrons. How many security personnel will be on staff during the week and on weekends?

One security staff for every 100 patrons during performances

2) How many exits does your venue have? 3 Will you be staffing all exits every night of the week? Please describe _____

All exits will be staffed by security personnel during entry and exit times; at other times

There will be one security on Broadway, one on Rexroth, and remaining security inside.

3) Please submit a floor plan of your venue with all security positions marked.

4) Will you be using in-house security or will you be using an outside security company?
In-house

5) You are liable for the actions of your security personnel on your premises. If you are using in-house security, please submit a copy of your insurance coverage as it relates to security for your venue.

Insurance coverage not yet in effect as venue is not open.

6) If you are using an outside security company, please submit a copy of their insurance coverage and state licensing.

7) What kind of training and/or certification are you requiring of your security personnel (e.g. LEAD Training, Guard Cards?) *Please be aware that you must comply with State Law SB194, Proprietary Private Security Officer Registration requirements (www.dca.ca.gov/bsis) for more information.*

Guard Card certification for security staff; LEAD and/or Safe Serve training for bartenders.

8) The law requires that you secure your entire perimeter 50 feet in all directions. What is your plan for doing so?

Security staff and entrances/exits to mitigate lines and enforce the 50 foot requirement.

9) What are your door policies? (e.g. pat downs, bag checks, metal detectors).

No one without a ticket will be admitted. Patrons must show ID and/or confirmation of advance ticket purchase. There will be no outside signage indicating that this is an entertainment venue and the façade is designed to discourage walk-up business.

10) Describe your plan to control lines or crowds on the sidewalks and streets surrounding your business (entry of patrons) as well as your plans to exit and disburse your patrons.

Our ticketing policy includes multiple staggered entry times to prevent lines or crowds on sidewalk. All patrons will be admitted as they arrive. If lines begin to form, security staff will maintain orderly lines and use stations and ropes if necessary.

11) Is there a separate exterior area designated for smoking? *No. Any smoking will be monitored on Broadway by security staff designated to this area.*

If not, how will you deal with the associated noise issues?

Signage posted requiring patrons to comply with local ordinances regarding noise.

Security staff will direct patrons away from any location with ground-level residential
and will be responsible for smokers within 50 feet of any entrance. In-and-out privileges
will be allowed only for smokers.

12) What is your plan to exit patrons in case of emergency?

Staff will participate in periodic emergency preparedness trainings to rehearse procedures
for exiting all patrons quickly and calmly through all three exits. Emergency exit plans
will be posted at multiple locations throughout the venue.

13) Will you be hiring any SFPD 10B officers or other Patrol Specials for events?

No.

14) Will you have medical staff (EMT, Paramedics) on site during your events at your venue? No Will you be using in-house medical staff or will you be using outside medical staff company?

Not applicable to theatrical performance

15) If you are using an outside medical staff company, please submit a copy of their insurance and state licensing.

16) If you have an ABC license that allows all ages, will you be doing all ages or 18 and over events? All ages What additional security will you be implementing, and how will your security and medical plan change?

Theatre performances are generally all ages and IDs will be checked at the bar for

anyone who appears to be under 21. All bartenders will be LEAD /

Safe serve trained.

NEIGHBORHOOD CONTACTS

Have you met with any local neighborhood associations or other groups concerning your proposed use of the premises? Yes If yes, list those groups: _____

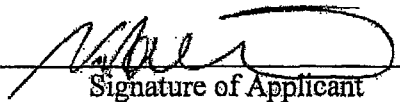
See attached.

DECLARATION

I, Nick A. Olivero, declare under penalty of perjury that the foregoing is true and correct. I understand that any false or incomplete information provided by me in connection with this application constitutes cause to either deny the requested permit or revoke the permit if granted.

April 30, 2016

Date


Signature of Applicant

ATTACHMENT 1: Sound System Description

The sound system for Boxcar Theatre will be used for minimal vocal reinforcement in the three larger rooms, for theatrical sound effects, and for ambiance. The intent of the sound system is to recreate the atmosphere of a 1920's speakeasy which is achieved by discreet and conservative usage of the system. Most musical performances are acoustic only (non-amplified).

The sound system is broken up into 4 parts:

1. General speakers for effects whose coverage spans most of the venue.
2. Speakers for vocal and possible band reinforcement in the Cabaret stage
3. Radios to recreate more obvious sounds like radio shows or announcements.
4. Telephones that the audience can interact with and hear conversations in rooms or talk with actors in another room.

Quantity	Speaker	Speaker Wattage	Amp	Amp Wattage	Usage
12	JBL Control 47LP Ceiling speakers	60W @70v	Crown CT 8150	150W per channel 8 Channel amp	General effect speakers
5	JBL control 322CT	100W @ 70V	Crown CT 8150	150W per channel 8 Channel amp	General effect speakers/Cab vocal reinforcement
2	JBL Control 128 WT	50W@ 70v	Crown CT 8150	150W per channel 8 Channel amp	General effect speakers
2	JBL Control 30	150W @ 70V	DCi 4 300	300 W per channel 4 Channel amp	Cab vocal reinforcement
4	JBL Control 23T	5W @ 70V	Crown CT 8150	150W per channel 8 Channel amp	General effect speakers
8	Radio with built in 5in speaker un branded	5W	Self powered	Self powered	Radios

Total Speakers- 33
Total Amps -4

ATTACHMENT 2: Acoustic Mitigation

The theater occupies a subterranean level with no directly adjacent residential units. This tenant space was previously occupied as a movie theater and has significant existing concrete constructions that provide a high level of sound isolation. Additional acoustic constructions have been installed including a spring isolated gypsum board ceiling above the theater. This new ceiling replaces the original non-isolated ceiling and provides improved acoustic isolation.

Acoustical Performance – Basis of Design

Acoustic performance objectives for this project included providing acoustic separation between adjacent uses, good conditions for live and amplified music, and freedom from unwanted noise and vibration. The Theater is the primary performance venue and will feature live jazz, and cabaret style shows. However, there will be live theater and music performed throughout the project.

A design priority was the acoustic separation of the basement Theater (Cabaret) and the adjacent tenant located on Level 1 above as well as the acoustic design of the Theater itself. The interior separation between tenants was addressed with new, high performance constructions rated > STC 60. The design includes the installation of an acoustically engineered ceiling floating on 122 spring isolators, and sound proofing of electrical junction boxes, HVAC diffusers, and other mechanical systems.

In addition, the client will finalize theater design with curtains and other interior sound absorptive acoustic finishes to control interior noise.

The scope of the acoustic design included:
Sound isolation
Noise and vibration control
Control of reverberant sound and echoes

Acoustic Engineer: Tim Schmidt, Principal at Acoustic Arts and Engineering

Established in 2008, Acoustic Arts and Engineering is an independent consulting practice providing expert technical services and design support in building acoustics, noise control, and vibration isolation.

Tim Schmidt has over 15 years of experience in the field of building acoustics and noise control. He has completed hundreds of projects as lead acoustical designer. His professional experience also includes environmental noise assessment, noise testing and he has a background in architecture, audio and media presentation systems, and building construction. He specializes in architectural acoustics and has particular expertise in high performance building projects with noise sensitive spaces and technically challenging programs.

ATTACHMENT 3: Public Parking

Royal Pacific Motor Lodge
661 Broadway
Distance from venue: 50 feet
Number of spaces: +/- 70

Vallejo Street Garage
766 Vallejo Street
Distance from venue: 2 blocks
Number of spaces: 163

North Beach Parking Garage
735 Vallejo Street
Distance from venue: 2 blocks
Number of spaces: 203

Express Parking
770 Broadway
Distance from venue: 2 blocks
Number of spaces: +/- 35

Chinatown Parking
728 Pacific Street
Distance from venue: 2 blocks
Number of spaces: unavailable

Portsmouth Square Garage
733 Kearny Street
Distance from venue: 4 blocks
Number of spaces: 507

ATTACHMENT 4: Neighborhood Outreach

Residents of Rexroth Lane

Rexroth Lane is a public byway that serves the rear entrance of 644 Broadway and also contains four residential structures. The residents were previously given permission by SFDPW to erect a gate at the end of the alley to prevent nuisance uses of the alley, especially on weekend nights. The owners and lessees of 644 Broadway held a meet with residents of Rexroth Lane at the SFDPW offices, to discuss our planned uses of the building and address any resident concerns about use of the alley.

Supervisors Peskin and Christensen

We met with both the current and former Supervisor of District 3 to introduce the project and address any community concerns.

Chinatown Community Development Corporation

We have reached out to Cindy Wu at CCDC to request a meeting to discuss the project and address community concerns.

Upper Broadway Community Benefits District

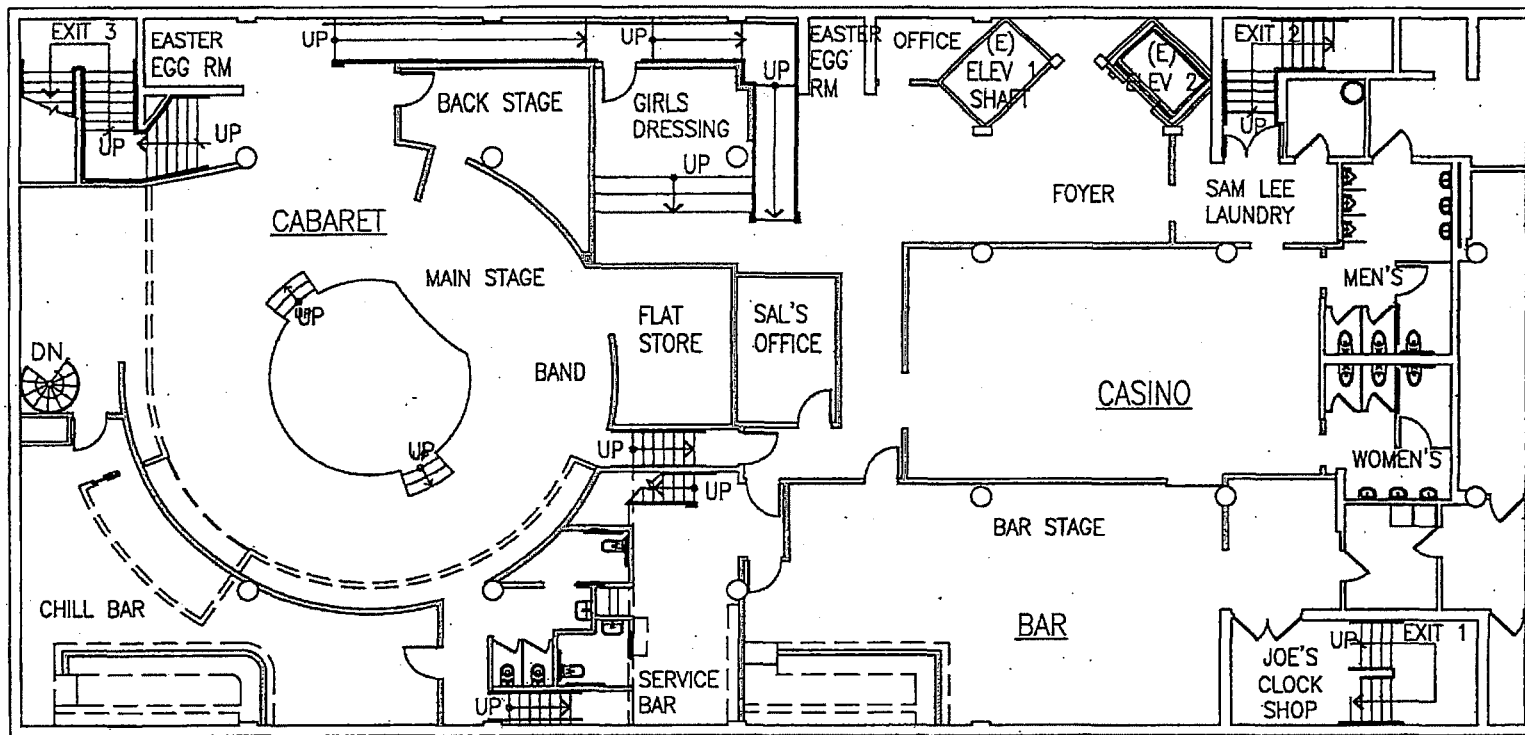
We met with both the current and former Executive Directors of the Upper Broadway CBD, Dominic Li Mandri and Ben Horn, to introduce them to the project and discuss ways of supporting the CBD. Mr. Li Mandri has invited us to present our project at the next CBD meeting, which we intend to do.

Telegraph Hill Dwellers

We have reached out to Stan Hayes of the Telegraph Hill Dwellers, and have requested a meeting to discuss the project and address community concerns.

North Beach Merchants Association

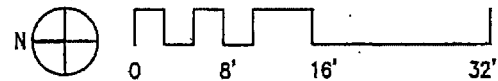
We have reached out to Kathy Dooley of the North Beach Merchants Association and have been invited to present our project at the next NBMA meeting.



LEGEND

□ MEZZANINE ABOVE

The Speakeasy Concept Plan

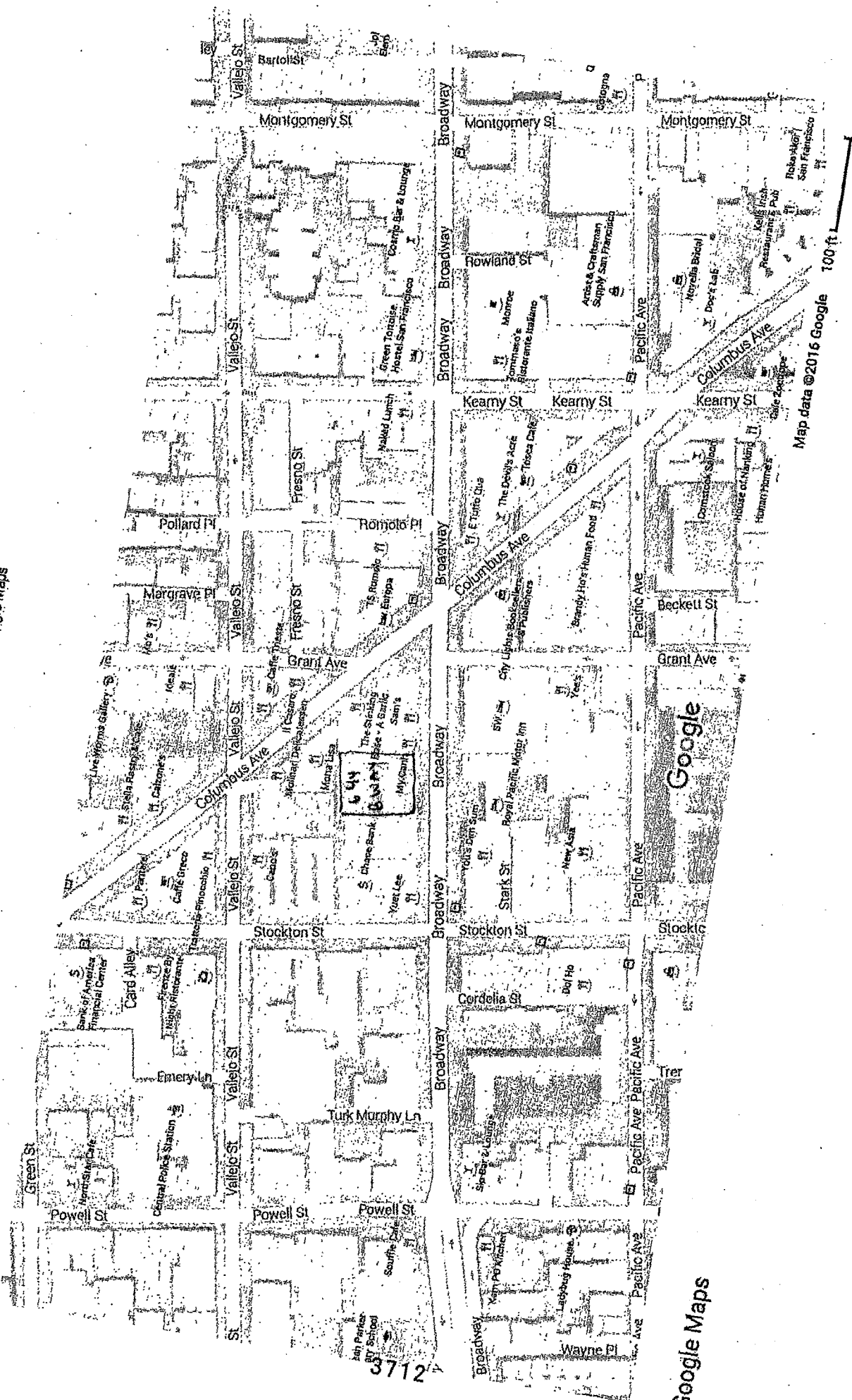


Boxcar Theatre Inc.
tannerhecht
architecture

644 Broadway
San Francisco

Google Maps

Google Maps



Map data ©2016 Google

100 ft



Entertainment Commission
City and County of San Francisco

AFFIDAVIT OF POSTING

Posting shall be completed within 5 days from date of application.
Investigation cannot progress until this completed form, Affidavit of Posting, has been received by this office.

Date of Filing Application: 5/2/2016

Name of Applicant(s) Olinaro, Nicholas, Boxcar Theatre Inc.

Name and Address of Premises: Boxcar Theatre, 644 Broadway

License(s) Applied for: POE

I hereby certify under penalty of perjury that pursuant to the provisions of the SF Police and Administrative Code, after filing an application for a Place of Entertainment at the above designated premises, I did date the posting notice and on said date did post the notice in a conspicuous place on the premises and said notice shall remain posted for a period of at least 30 consecutive days.

NOTICE DATED AND POSTED: 5/3/2016

SIGNATURE OF THE APPLICANT [Signature] DATE 5/2/2016

Please return within five days to :

Entertainment Commission
City Hall, Room 453
1 Dr. Carlton B Goodlett Place
San Francisco, CA 94102
(415) 554-5793



ENTERTAINMENT COMMISSION
ENTERTAINMENT PERMIT APPLICATION INFORMATION

Hearing Date 6/17/16

**YOU ARE CAUTIONED NOT TO OPERATE UNTIL YOUR PERMANENT PERMIT IS GRANTED
AND YOUR LICENSE IS PAID; TO DO OTHERWISE IS A VIOLATION OF THE LAW.**

You have filed an application for an Entertainment Permit. There is a common misunderstanding regarding the various stages that are required before a permit can be issued, and it is our hope that the following information will be of assistance to you in obtaining your permit. It is necessary that clearances be received from the below checked City agencies. Our Department will notify the proper agencies regarding your application. You do not need to contact City Planning. City Planning will respond to the Entertainment Commission Inquiry directly. If you are unavailable or do not hear from other City Agencies it is your obligation to contact them and arrange for such inspections, corrections and clearance as are required. As with much business activity, it is advisable to maintain a record of names, dates, etc. regarding such contacts. It will also be your obligation to remain in contact with the agencies until you are certain that the Entertainment Commission permit processor has received written clearance from all the required agencies. You are advised that failure in this respect will result in extensive delay in the issuance of your permit or in denial of your application. You will be notified of the date and the time of the Entertainment Commission. At the Hearing, all factors relative to the issuance of the permit will be considered. If there are any protests to such issuance, they will be heard.

Prior to the Entertainment Commission action on application for a Place of Entertainment permit the following City agencies must submit their approvals (applicable agencies are checked):



City Planning - You do not need to contact City Planning. The Entertainment Commission will contact City Planning directly. Andrew Perry



Department of Environmental Health - Food Program..... (415) 252-3800



Department of Building Inspection - Go to DBI, located at 1660 Mission St., to pay inspection fee and schedule your inspection.

X a) Electrical - (415) 558-6030 8:00 AM - 5:00 PM

X b) Building - (415) 558-6036 8:00 AM - 3:00 PM - Mon thru Fri

X c) Plumbing



Fire Department - (415) 558-3300 - Mon thru Fri



Some permits require that a notice be posted for 30 days to advise the general public of the application. You will sign an affidavit of posting and post notice at your premises. The notice must remain posted conspicuously and continually for 30 days prior to the hearing date.



Sound Abatement - sean burke, Entertainment Commission (415) 554-6268.

sean.burke@sfepi.org



San Francisco Police Department

Central Station, Steve Matthias
(415) 315-2423
Steve.Matthias@sf.gov

I, DAVID GLUCK

applicant for the above described permit, have read the foregoing and understand that acceptance of my permit application by the Entertainment Commission in no way entitles me to do business, nor does acceptance of my application vest me with any right or privilege. I further understand that Entertainment Commission action on my application is contingent upon prior inspection and approval of the above indicated City agencies.

4/28/2016

DATE

Dee Cui

SIGNATURE

Maggie Neiland Deputy Director

have explained the foregoing to the applicant above.

Boxcar Theatre Inc.

Clerk of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

Re: Boxcar Theatre Inc. Type 64 Application
644 Broadway, Lower Level, San Francisco, CA 94133

To the Clerk of the Board,

The purpose of this letter is to respectfully request to be placed on the Board's public safety and neighborhood services committee calendar for a Public Convenience and Necessity approval with regard to our Type 64 license application. We would like to explain our motivation and intent in applying for a Special On-Sale General Theater license.

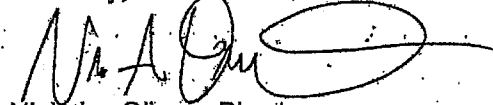
Our concept is to create an immersive theatrical experience invoking the spirit of a 1923 speakeasy that will be infused with live performance. It will be staged throughout multiple rooms over a floor plan of approximately 9,000 square feet. The performance will invite the audience to roam the environment and engage with their choice of theatrical elements and characters. Patrons will experience the provocative and titillating nature of an underground club, as they not only observe but also participate in the goings-on at the bar, the faux gaming tables, and the cabaret. They throw dice, raise glasses, and otherwise interact with more than 35 costumed performers who inhabit this world. It is clear that alcoholic beverage service is an integral part of this theater experience.

Our desired hours of operation will vary by performance. We will vigilantly monitor the surrounding area to ensure the safety of our business and customers at all times and maintain a lawful business.

This immersive theatrical experience is quite a unique concept not only for this area, but also for San Francisco in general.

We seek the San Francisco Board of Supervisor's affirmative ruling that our application serves the public convenience and necessity of our city.

Sincerely,



Nicholas Olivero, Director

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2016 MAR -3 PM 2:37
BY _____
AK

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)

ARC 211 (6/99)

CARRIE PETERS

TO: Department of Alcoholic Beverage Control

33 NEW MONTGOMERY STREET

SUITE 1230

SAN FRANCISCO, CA 94105

(415) 356-6500

RECEIVED

MAR 1 - 2016

File Number: 566989

Receipt Number: 2345265

Geographical Code: 3800

Copies Mailed Date: February 24, 2016

Issued Date:

(510) 788-5881

CITY & COUNTY OF S.F.

DISTRICT SERVING LOCATION: SAN FRANCISCO

First Owner:

BOXCAR THEATRE, INC.

Name of Business:

BOXCAR THEATRE

Location of Business:

644 BROADWAY

LOWER LEVEL

SAN FRANCISCO, CA 94133-4666

County:

SAN FRANCISCO

Is Premise inside city limits?

Yes

Census Tract 0107.00

Mailing Address:

1415 BRODERICK ST

(If different from premises address)

SAN FRANCISCO, CA 94115

Type of license(s): 64

Transferor's license/name:

Dropping Partner: Yes ___ No ___

License Type	Transaction Type	Fee Type	Master	Dup	Date	Fee
64 - Special On-Sale Generz	ANNUAL FEE	P40	Y	0	02/24/16	\$508.00
64 - Special On-Sale Generz	ORIGINAL FEES	P40	Y	0	02/24/16	\$1,000.00
NA	FEDERAL FINGERPRINTS	NA	N	3	02/24/16	\$72.00
NA	STATE FINGERPRINTS	NA	N	3	02/24/16	\$117.00
Total						\$1,697.00

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: February 24, 2016

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)

See 211 Signature Page

BOXCAR THEATRE, INC.

Type 64 License is permitted in conjunction with Live Performance Theater and Bar uses, permitted in the CCB District per P.C. Sec. 810.47a, 810.41, and approval of CPC Motion No. 19706.

8/29/16



SAN FRANCISCO PLANNING DEPARTMENT

160210

Subject to: (Select only if applicable)

- | | |
|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input type="checkbox"/> Other |

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion No. 19706

HEARING DATE: JULY 28, 2016

Case No.: 2016-004115CUA
Project Address: 644 BROADWAY
Zoning: CCB (Chinatown Community Business) District
65-N Height and Bulk District
Block/Lot: 0146/006
Project Sponsor: Richard Warren
92 Fresno Ave.
Berkeley, CA 94707
Staff Contact: Andrew Perry – (415) 575-9017
andrew.perry@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 803.2(b)(1)(B)(iii), AND 810.41 OF THE PLANNING CODE TO AUTHORIZE A CHANGE IN USE FROM A MOVIE THEATER TO AN OTHER ENTERTAINMENT USE (D.B.A. BOXCAR THEATRE), AND TO ESTABLISH A BAR USE FOR THE SALE OF ALCOHOL DURING PERFORMANCES, AT THE BASEMENT LEVEL OF AN EXISTING FOUR-STORY OVER BASEMENT BUILDING, WITHIN THE CCB (CHINATOWN COMMUNITY BUSINESS) DISTRICT AND A 65-N HEIGHT AND BULK DISTRICT.

PREAMBLE

On March 30, 2016, Richard Warren (hereinafter "Project Sponsor") on behalf of Boxcar Theatre, Inc. filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 303, 803.2(b)(1)(B)(iii), and 810.41 to authorize a change in use from a Movie Theater to an Other Entertainment use (d.b.a. Boxcar Theatre), and to establish a Bar use for the sale of alcohol during performances, at the basement level of an existing four-story over basement building, within the CCB (Chinatown Community Business) District and a 65-N Height and Bulk District.

On July 28, 2016, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2016-004115CUA.

The project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption under CEQA.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2016-004115CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the northern side of Broadway, between Grant Ave. and Stockton St., Block 0146, Lot 006. The property is developed with a four-story over basement structure, constructed circa 1985, with full lot coverage at approximately 9,453 square feet of lot area and 68.75 feet of frontage along Broadway. Prior to the construction of the current building, the Subject Property contained a film theater operating under various monikers (Palace, Verdi, and World) and from 1954 until its demolition in the 80s, primarily screened Chinese-language films. After construction of the current building, a Movie Theater use continued to occupy the space at the basement level until approximately 1998, when the basement space was vacated, and remained vacant until present day.

The upper floors of the subject building were previously occupied by a large dim sum restaurant (d.b.a. Gold Mountain Restaurant), which vacated the space at the end of 2011. Now, a new Restaurant (d.b.a. China Live) is in the process of completing their tenant improvements and is set to open later this year. The new Restaurant will combine a typical restaurant experience with that of a market, cooking demonstrations, and a retail space at the adjacent 660 Broadway, and will occupy the first, second, and a portion of the third floor in the subject building. The third floor will also be occupied by a sound recording studio, while the fourth floor will be shared by a variety of film producers, including space for the San Francisco Film Society.

3. **Surrounding Properties and Neighborhood.** The property is located within the CCB (Chinatown Community Business) District along Broadway, which extends from the eastern portal of the Broadway Tunnel to Columbus Avenue, near the confluence of the Chinatown and North Beach neighborhoods, with the edges of the Russian Hill, Nob Hill, and Financial District neighborhoods also with walking distance. This stretch of the CCB District serves as a transitional edge to the heart of Chinatown, as well as the North Beach and Broadway Neighborhood Commercial Districts. The subject block is characterized by a diversity of building types, ranging from one- to four-stories, and by a variety of daily-needs serving uses, particularly general and specialty grocers and limited restaurants, with primarily residential above including a number of Residential Hotels. Directly opposite the property is a 75-room motel.

4. **Project Description.** The project sponsor requests a Conditional Use Authorization pursuant to Planning Code Sections 303, 803.2(b)(1)(B)(iii), and 810.41 to authorize a change in use from a Movie Theater to an Other Entertainment use (d.b.a. Boxcar Theatre), and to establish a Bar use for the sale of alcohol during performances. Separate authorization as a Bar is required, as the sale of alcohol may not otherwise be permitted as an accessory use pursuant to Planning Code Section 803.2(b)(1)(C)(ii). The project is located at the basement level of an existing four-story over basement building, and the subject property is located within the CCB (Chinatown Community Business) District and the 65-N Height and Bulk District.

The Boxcar Theatre company was founded in San Francisco in 2005, with a facility in both the Tenderloin and SoMa neighborhoods. In 2014, the company launched a production known as *The Speakeasy*, which ran for 75 sold-out performances and garnered widespread praise. Staged in 1923, the production is highly interactive, where patrons are encouraged to move about the venue to interact with a variety of actors – playing bartenders, servers, cabaret performers, and more – ordering period-appropriate cocktails and exploring the recreated nightclub atmosphere. The company was displaced from its location in the Tenderloin in June 2014, bringing *The Speakeasy* production to an abrupt halt. Intending to make 644 Broadway its new home, the renovated theater space includes two bar areas and seeks to serve alcohol during performances; however, the establishment would not operate as a traditional bar outside of theater performances.

5. **Public Comment/Community Outreach.** To date, the Department has received two letters of support from the Upper Broadway Community Benefit District, and from the North Beach Business Association.

The Department has also received one communication in opposition to one aspect of the proposed project – specifically, the usage of Kenneth Rexroth Place as an access point to the rear of the property for entrance to the theater, and as a space where patrons may temporarily exit the theater for smoking purposes. As a concerned resident of the alley, this person noted that Kenneth Rexroth Place provides the only access point for three residential buildings in the alley, and worries about the impacts of large numbers of patrons entering and exiting through this small alley, and the impacts of permitted smoking in a narrow space. The commenter wanted to be clear that they are not in opposition to the project entirely, but are requesting that the theater only use the main Broadway façade for purposes of entry and exit, and as a space for smokers to access during performances; the rear alley should only be used for trash removal purposes.

The Project Sponsor notes that they held a meeting at the offices of the Department of Public Works during March 2015 with the residents of Kenneth Rexroth Place to clarify use of the alley for all parties. As it is a public street, DPW noted that the businesses of 644 Broadway may use the alley for employee and customer entrance into and exit from the building, as well as for deliveries. However, there would be noise restrictions after 10 p.m. and that smoking would be prohibited. Boxcar Theatre developed their security plan around this information, and plans to have a security staff member stationed at the Rexroth exit to prevent unauthorized smoking during performances. The comment received in opposition was from a new owner that was not present at the March 2015 meeting. Upon receipt of the comment, the Project Sponsor

coordinated a meeting with the concerned resident, and two others that were unable to make the original meeting, to discuss their security and operation plan.

The Project Sponsor has conducted outreach to several community groups in the area including the former and current District 3 Supervisor office, the Chinatown Community Development Corporation, the Telegraph Hill Dwellers, the Upper Broadway Community Benefit District, and the North Beach Business Association. The last two groups have submitted letters in support of the project. Additionally, as part of *The Speakeasy* production, some patrons may be led into the theater space through Kenneth Rexroth Place, an alley to the north of the property that leads to the subject property's rear property line; as such, outreach was conducted to residents living adjacent to the alley to discuss the planned use of the space and any resident concerns.

6. **Planning Code Compliance:** The Commission finds that the project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Change in Use or Demolition of Movie Theater Uses.** Planning Code Section 803.2(b)(1)(B)(iii) states that a Conditional Use Authorization is required for any change in use or demolition of a Movie Theater use, and that a change in use shall not be authorized if the new use or uses are otherwise prohibited.

The Project Sponsor is requesting Conditional Use Authorization to authorize a change in use from a Movie Theater, which has not been in operation for more than a decade, to a live performance Other Entertainment theater use. Other Entertainment is principally permitted in the CCB District.

- B. **Bar Use.** Planning Code Section 810.41 states that a Conditional Use Authorization is required for a Bar use, as defined by Planning Code Section 790.22, at or below the 1st story within the CCB District.

The Project Sponsor is requesting Conditional Use Authorization to establish a Bar use in conjunction with an Other Entertainment theater use. Although the Bar will be accessory and subordinate to the theater use, Planning Code Section 803.2(b)(1)(C)(ii) would not permit an accessory use that involves the sale of alcohol; therefore, the Project Sponsor must also establish the Bar as a principal use, which requires Conditional Use Authorization in this District.

- C. **Use Size.** Planning Code Sections 121.4 and 810.20 state that a Conditional Use Authorization is required for uses with 5,000 square feet or more of area.

Although the proposed combined Other Entertainment and Bar uses have a gross square footage of 9,420 square feet, the proposed project does not expand the basement level or use size of the former theater. As there is no abandonment of use size under the Planning Code, the existing use size is permitted to continue.

- D. **Off-Street Parking.** Planning Code Section 151.1 does not require any off-street accessory parking for any use within a Mixed Use District such as the CCB.

The existing building does not contain any off-street parking, nor is any parking proposed as part of the project.

- E. **Off-Street Loading.** Planning Code Section 152 requires off-street loading spaces for Other Entertainment and Bar uses, where the gross floor area of the use exceeds 100,000 square feet.

With a gross floor area less than 10,000 square feet, the project does not require any off-street loading spaces.

- F. **Bicycle Parking.** Planning Code Section 155.2 requires bicycle parking where a change of occupancy or increase in intensity of use would increase the number of total required bicycle parking spaces (inclusive of Class 1 and 2 spaces in aggregate) by 15 percent.

The project would not trigger any required bicycle parking. However, the Project Sponsor and Property Owner have been in communication with the Department of Public Works and intend to install Class 2 bicycle racks along the sidewalk upon completion of the Broadway Chinatown Streetscape Improvement Project, scheduled to finish around June 2017.

- G. **Baby Diaper-Changing Accommodations.** Planning Code Section 168 requires installation of baby diaper-changing accommodations at each floor level containing restrooms accessible to the public for new and substantially renovated public-serving establishments. For purposes of this Code Section, "substantially renovated" shall mean any construction or renovation project that has an estimated cost of at least \$50,000, and a "public-serving establishment" shall include a Retail Sales or Retail Entertainment and Recreation use that is 5,000 square feet or more in size.

The project includes the rehabilitation of a former basement theater with an estimated cost of at least \$50,000, and the theater and bar use is considered a Retail Sales or Retail Entertainment and Recreation use; therefore baby diaper-changing accommodations are required. The proposed plans include at least one such accommodation at each floor level of the building containing publicly-accessible restrooms.

7. Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The proposed Other Entertainment live performance theater and Bar uses are necessary and desirable for, and compatible with the surrounding neighborhood and community. The current building on the property was built in 1985, with the basement level designed as a single-screen movie theater for an occupancy of approximately 400 people. The movie theater ceased operations in 1998, and the basement has not been utilized since. The proposed theater project will renovate the basement space, tailoring it to the specific needs of the Boxcar Theatre company, but will not increase the overall use size from the

previous movie theater, nor propose any expansion to the existing building. The proposed project would actually reduce the venue's capacity, down to 250 patrons and 75 employees.

Other Entertainment uses are principally permitted within the Chinatown Community Business District, and the proposed project would help to revitalize a large space in an existing building that is already undergoing additional renovations. The live performance theater use diversifies the types of economic activity present in the District, and its location between the Chinatown and North Beach neighborhoods is well-suited to encourage alternative means of transportation, while providing convenient access for many residents of the City as well as tourists.

Although different than a movie theater, the proposed use respects the past uses at the site by continuing a tradition of arts and entertainment activity in the space, and by maintaining the down-sloping floor of the previous theater. Authorization as a bar will allow Boxcar Theatre to serve alcohol during performances, an integral component of their production called The Speakeasy; however, to ensure the Bar remains accessory to the primary use of the space as a theater, a Condition of Approval will require the Project Sponsor to seek a new Conditional Use authorization as a Bar, if an Other Entertainment use ceases to operate in the space.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

There are no changes proposed to the existing building envelope as part of the subject project and so will have no effect on the existing character of the surrounding neighborhood. Due to the "secretive" nature of the Boxcar Theatre's flagship production (The Speakeasy) there will only be minimal signage and presence along the front façade.

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The Planning Code does not require any off-street parking or loading for an approximately 9,420 square-foot Other Entertainment theater and Bar use within the Chinatown Community Business District. The project site is well-served by public transit and with a capacity of 250 patrons and 75 employees, the use should not generate an abundance of vehicle trips. For those that do travel to the site by private automobile, there are numerous public parking lots and garages within 1 quarter-mile of the project site.

- iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

The proposed theater at the basement level, will be adequately soundproofed such that no noise would be audible beyond the basement space. There are no residential uses present within the

subject building. The Boxcar Theatre anticipates using Kenneth Rexroth Place, an alley that extends for approximately half a block from Columbus Ave./Vallejo St. to the rear property line of 644 Broadway, as an entry into the basement theater space. The Project Sponsor conducted outreach about the proposed use to the residents that live in the units above the alley, and would have a theater employee guide patrons down the alley and into the venue in a quiet and orderly manner. The project would not create other noxious or offensive emissions.

- iv. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

The proposed project does not require any treatments in the way of landscaping, screening, open spaces, parking and loading areas, or service areas. Any additional lighting and signs proposed for the project in the future will be reviewed by the Department for compliance.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Use District.

The proposed project is consistent with the stated purposed of the Chinatown Community Business District in that the intended Other Entertainment use is a principally permitted use within the District; the accessory Bar use would remain subordinate through a Condition that would require the Project Sponsor to seek a new Conditional Use Authorization as a primary bar use, if Other Entertainment ceases to operate in the space. The subject property's proximity to the North Beach and Broadway NCDs is complimentary to the uses found in those districts, and by activating an existing, underutilized basement space in the subject building, will also help to increase pedestrian and economic activity within the subject District, and help further a connection with Chinatown.

- E. That the use or feature satisfies the criteria specific to a change in use or demolition of a Movie Theater use found in Planning Code Section 303(j), in that:

- i. Preservation of a Movie Theater use is no longer economically viable and cannot effect a reasonable economic return to the property owner. For purposes of defining "reasonable economic return," the Planning Commission shall be guided by the criteria for Fair Return on Investment set forth in Section 102;

The previous Movie Theater use was no longer economically viable, as evidenced by its closure in 1998. Upon purchasing the property in 2013, the new owner (Cypress Properties Group) contacted several movie theater operators and film festival producers about leasing the theater, but all reported that it was not economically viable. The property owner also invited community nonprofit groups, including the Center for Asian American Media, to propose projects that would preserve the Movie Theater use, but no proposals were received.

- ii. The change in use or demolition of the Movie Theater use will not undermine the economic diversity and vitality of the surrounding District;

The change in use from Movie Theater to an Other Entertainment live performance theater will actually serve to enhance the economic diversity and vitality of the surrounding District as it reactivates a basement-level space with a use that is not common in the surrounding area. Reactivation of the space will bring additional pedestrian traffic to the neighborhood, benefitting other businesses in the vicinity. The theater company intending to occupy the space is a local group that has achieved broad recognition for their work.

- iii. The resulting project will preserve the architectural integrity of important historic features of the Movie Theater use affected.

The subject building, constructed in 1985, is not eligible as an historic resource; however, the proposed live performance theater use preserves the history of film and entertainment uses at the project site, and the project proposes to maintain the down-sloping floor of the previous Movie Theater.

- F. That the use or feature satisfies the criteria specific to Conditional Use authorization applications for Eating and Drinking Uses found in Planning Code Section 303(o), in that the Planning Commission shall consider the existing concentration of eating and drinking uses in the area, and that such concentration should not exceed 25 percent of the total commercial frontage as measured in linear feet within the immediate area of the subject site, where the immediate area shall be defined as all properties located within 300' of the subject property and also located within the same zoning district.

The proposed project would be subject to the criteria of Planning Code Section 303(o) as it seeks Conditional Use Authorization as a bar; however, it is important to recognize that the proposed bar uses would remain accessory and subordinate to the Other Entertainment use, and that the subject project is located at the basement level of the building, and therefore not have any commercial frontage. A recent survey conducted by Department staff estimated that approximately 27% of the commercial frontage in the immediate area, as defined under Code, is devoted to Eating and Drinking uses, and the project would have no impact on this percentage. This percentage also already includes the subject building, where the ground floor was previously occupied by a Restaurant (d.b.a. Gold Mountain Restaurant) and will be occupied by a new venture (d.b.a. China Live) in the coming months.

8. **General Plan Compliance.** The project is, on balance, consistent with the following Objectives and Policies of the General Plan:

COMMERCE AND INDUSTRY

Objectives and Policies

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1:

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

Policy 1.2:

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

Policy 1.3:

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The proposed development will provide a desirable use and service to the neighborhood and larger city, with substantial net benefits by revitalizing an existing basement-level space that has not been used for more than a decade. Utilization of the existing space minimizes undesirable consequences to the neighborhood, and this project diversifies the economic activities of the surrounding Districts and fosters increased growth to other nearby businesses.

OBJECTIVE 2:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

Policy 2.3:

Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location.

The project will allow a locally-formed theater company to have a permanent home in the City. Arts activities generally, the increase in diversity of uses in this area as a result of a new Other Entertainment use at this location, and the proposed location situated between several iconic neighborhoods all serve to enhance the social and cultural climate of the City and the neighborhoods in the vicinity of the project.

OBJECTIVE 6:

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1:

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

Policy 6.3:

Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of existing affordable housing and needed expansion of commercial activity.

Policy 6.9:

Regulate uses so that traffic impacts and parking problems are minimized.

No commercial tenant would be displaced as the project would occupy the basement-level space of a former Movie Theater that has not been in operation since 1998. Revitalization of this space for a live performance theater use is contextually appropriate with the history of uses on the Property, and is well-located, recognizing the activity of the nearby North Beach and Broadway NCDs and the Chinatown area. The project would not expand the subject building envelope and would not remove any housing. The Planning Code does not require any off-street parking be provided as part of the project. The surrounding area is well-served by public transit and there are numerous publicly-available parking lots and garages in the vicinity, such that the project will only have a minimal effect on traffic and parking in the area.

ARTS

Objectives and Policies

OBJECTIVE 1:

INCREASE THE CONTRIBUTION OF THE ARTS TO THE ECONOMY OF SAN FRANCISCO.

Policy 1.1:

Encourage and promote opportunities for the arts and artists to contribute to the economic development of San Francisco.

Policy 1.2:

Continue to support and increase the promotion of the arts and arts activities through the City for the benefit of visitors, tourists, and residents.

The project would allow a locally-formed theater company that has received a broad level of acclaim to have a permanent home in the city, thereby promoting the continued economic contribution of the arts to the overall City economy. The location of the theater is conveniently located for numerous residents from Chinatown, North Beach, Russian Hill and Nob Hill, and residents from other neighborhoods benefit from the many transit lines in the vicinity of the project site. The site is also fairly easily accessed by workers coming from the Financial District, and tourists in the downtown area.

OBJECTIVE 6:

SUPPORT THE CONTINUED DEVELOPMENT AND PRESERVATION OF ARTISTS' AND ARTS ORGANIZATIONS' SPACES.

Policy 6.3:

Preserve existing performing spaces in San Francisco.

Policy 1.2:

Assist artists and arts organizations in attaining ownership or long-term control of arts spaces.

The project preserves a space historically used for arts and entertainment purposes, while renovating the space in order to provide a long-term home for a local theater company that had to close their production earlier than anticipated at the previous venue due to losing a lease.

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The proposal would enhance the district by revitalizing an existing basement theater space and by providing a use not commonly found in the surrounding neighborhoods and Districts. The business itself would employ around 75 people, and additionally will foster increased pedestrian traffic in the area that will serve to benefit other businesses nearby. Lastly, the subject Boxcar Theatre company has a strong emphasis on assisting the development of other emerging theater companies through programming and by offering affordable rehearsal and performance space.

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

The proposal will conserve and protect neighborhood character and cultural diversity by occupying an existing space of a former Movie Theater, without any expansion of the existing building. The proposed use adds cultural and economic diversity to the District through a use not commonly found in the vicinity, and no housing is removed as part of the project.

- C. That the City's supply of affordable housing be preserved and enhanced,

No housing is removed for this project.

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The site on Broadway between Stockton and Grant is well-served by transit, with thirteen different MUNI bus lines running in proximity to the property site. While it is expected that many employees and patrons will commute by transit, bicycle or walk, there are also several public parking lots and garages within a quarter-mile such that the project would only minimally affect MUNI transit service, traffic congestion or neighborhood parking.

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The project will not displace any service or industry establishment. The project will not affect industrial uses and it will enhance service-related opportunities by providing jobs for 75 employees.

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the project site.

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

The project will have no negative effect on existing parks and open spaces.

10. The project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

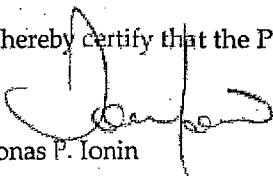
That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2016-004115CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated April 26, 2016, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 19706. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on July 28, 2016.


Jonas P. Ionin
Commission Secretary

AYES: Antonini, Fong, Johnson, Moore, Richards, Wu

NAYS: None

ABSENT: Hillis

ADOPTED: July 28, 2016

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to authorize a change in use from a Movie Theater to an Other Entertainment use (d.b.a. Boxcar Theatre), and to establish a Bar use for the sale of alcohol during performances located at 644 Broadway, Block 0146, and Lot 006, pursuant to Planning Code Section(s) 303, 803.2(b)(1)(B)(iii), and 810.41 within the Chinatown Community Business (CCB) District and a 65-N Height and Bulk District; in general conformance with plans, dated April 26, 2016, and stamped "EXHIBIT B" included in the docket for Case No. 2016-004115CUA and subject to conditions of approval reviewed and approved by the Commission on July 28, 2016 under Motion No. 19706. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the Project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on July 28, 2016 under Motion No. 19706.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19706 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

6. **Maintaining Bar Use Accessory to Other Entertainment.** The subject approval establishes a Bar Use as an accessory use to the principally permitted live performance theater Other Entertainment Use. Should the subject establishment cease to operate as a live performance theater Other Entertainment Use, the Project Sponsor must seek a new Conditional Use Authorization to continue the Bar Use as either a primary or accessory use.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

7. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

8. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

9. **Written Performance Update.** A written performance update shall be provided to the Planning Commission six months following the approval of the Conditional Use Authorization. The update memo should include any recorded complaints with the San Francisco Police Department and any other general feedback from neighbors regarding operation of the live performance theater Other Entertainment and Bar use and adherence to the Conditions of Approval. The Commission may request a full hearing at their discretion.

For information about compliance, contact the Case Planner, Planning Department at 415-575-9017, www.sf-planning.org

OPERATION

10. **Access Through Kenneth Rexroth Alley.** The live performance theater may use Kenneth Rexroth Place, which abuts the property at the rear, for patron entry into the theater up until 8:30 p.m. The Project Sponsor shall ensure that theater staff and security is located at both the gate on the northern end of Kenneth Rexroth Place (at Vallejo St.) and at the rear property line, in order to guide patrons into the venue in a quiet and orderly manner. Additionally, theater security staff shall be located at the rear exit during all performances to ensure that patrons do not exit through Kenneth Rexroth Place at the rear, or use the space for smoking. Staff shall direct all patrons to exit through Broadway. This condition shall not prohibit use of the rear exit or Kenneth Rexroth Place for egress in the event of an emergency.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

11. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>

12. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. The Project Sponsor shall also be responsible for maintaining the cleanliness of Kenneth Rexroth Place at the rear of the property.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>

13. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance. The Project Sponsor shall continue to work with neighboring residents, and seek to minimize the amount of noise from the closure of the gates at the north end of Kenneth Rexroth Pl. and at the rear property line.

For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org

For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, www.sfdbi.org

For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, www.sf-police.org

14. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

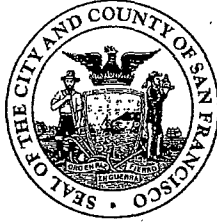
15. **Notices Posted at Bars and Entertainment Venues.** Notices urging patrons to leave the establishment and neighborhood in a quiet, peaceful, and orderly fashion and to not litter or

block driveways in the neighborhood, shall be well-lit and prominently displayed at all entrances to and exits from the establishment.

For information about compliance, contact the Entertainment Commission, at 415 554-6678, www.sfgov.org/entertainment

16. **Other Entertainment.** The Other Entertainment shall be performed within the enclosed building only. The building shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance. Bass and vibrations shall also be contained within the enclosed structure. The Project Sponsor shall obtain all necessary approvals from the Entertainment Commission prior to operation. The authorized entertainment use shall also comply with all of the conditions imposed by the Entertainment Commission.

For information about compliance, contact the Entertainment Commission, at 415 554-6678, www.sfgov.org/entertainment



ACKNOWLEDGEMENT OF RECEIPT

Submission of Measure: Ordinance or Declaration of Policy

(circle one)

Initiative Ordinance - Planning Code - Requiring Conditional Use Authorization for Replacement of Production, Distribution, Repair, Institutional Community, and Arts Activities Uses
(Unofficial Title of Measure)

☒

Measure Notification:

Date Submitted: 8 / 5 / 16

☒

Copy to Department of Elections:

Date Submitted: 8 / 5 / 16

1) BOARD OF SUPERVISORS: The following four and/or more members of the Board are submitting: (check boxes)

X AVALOS, John
BREED, London
X CAMPOS, David
COHEN, Malia
FARRELL, Mark
X KIM, Jane
MAR, Eric
X PESKIN, Aaron
TANG, Katy
WIENER, Scott
YEE, Norman

2) MAYOR:

LEE, Edwin (*primary sponsor*)

3) ELECTRONIC COPY OF TEXT

☐ EMAIL- publications@sfgov.org

Turn over and complete



4) Contact Person: Alisa Somera

Address: 1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

Phone: 415-554-4447

Date: February 26, 2016

Submitted By: _____ (sign)

5) COPIES

- ☐ John Arntz- Director of Elections, in consultation with the City Attorney, shall forward the measure (within two working days after receipt of the petition) to departments that are effected by the measure.
- ☐ Publications
- ☐ Public- copy
- ☐ Office- original

LIQUOR LICENSE REVIEW

TO: Planning Department
AnMarie Rodgers/CTYPLN/SFGOV
Georgia Powell/CTYPLN/SFGOV@SFGOV
Fax No.: (415) 558-6409

File: 160210

TO: Police Department
Inspector Nelly Gordon
Phone: (415) 837-7273

DATE: March 4, 2016

This item is tentatively scheduled to be heard in four to six weeks.

PLEASE EMAIL YOUR RESPONSE BY: April 13, 2016, to Erica Major, Public Safety and Neighborhood Services Committee Clerk.

Erica.Major@sfgov.org - Fax No: 554-7771

Applicant Name: Boxcar Theatre Inc.
and Business Name: (644 Broadway Street)

Applicant Address: 644 Broadway Street
San Francisco, CA 94133
and Phone No. (415) 967-2227

PLANNING COMMENTS: ☐ Approval ☐ Denial

POLICE COMMENTS: ☐ Approval ☐ Denial

Boxcar Theatre Inc.

Clerk of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

Re: Boxcar Theatre Inc. Type 64 Application
644 Broadway, Lower Level, San Francisco, CA 94133

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2016 MAR -3 PM 2:37
AK

To the Clerk of the Board,

The purpose of this letter is to respectfully request to be placed on the Board's public safety and neighborhood services committee calendar for a Public Convenience and Necessity approval with regard to our Type 64 license application. We would like to explain our motivation and intent in applying for a Special On-Sale General Theater license.

Our concept is to create an immersive theatrical experience invoking the spirit of a 1923 speakeasy that will be infused with live performance. It will be staged throughout multiple rooms over a floor plan of approximately 9,000 square feet. The performance will invite the audience to roam the environment and engage with their choice of theatrical elements and characters. Patrons will experience the provocative and titillating nature of an underground club, as they not only observe but also participate in the goings-on at the bar, the faux gaming tables, and the cabaret. They throw dice, raise glasses, and otherwise interact with more than 35 costumed performers who inhabit this world. It is clear that alcoholic beverage service is an integral part of this theater experience.

Our desired hours of operation will vary by performance. We will vigilantly monitor the surrounding area to ensure the safety of our business and customers at all times and maintain a lawful business.

This immersive theatrical experience is quite a unique concept not only for this area, but also for San Francisco in general.

We seek the San Francisco Board of Supervisor's affirmative ruling that our application serves the public convenience and necessity of our city.

Sincerely,



Nicholas Olivero, Director

644 Broadway, Lower Level, San Francisco, CA 94133

MORE BOXCAR THEATRE.ORG
(415) 911-7777

160210