

File No. 160532

Committee Item No. 2

Board Item No. 35

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Public Safety and Neighborhood Services Date May 10, 2017

Board of Supervisors Meeting

Date MAY 16, 2017

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER (Use back side if additional space is needed)

- LL Referral 05/11/16
- Planning Response 05/17/16
- Planning Response 07/19/16
- Planning Response 03/24/17
- Police Response 05/03/17
- _____
- _____
- _____
- _____
- _____
- _____

Completed by: Erica Major Date May 5, 2017

Completed by: JM Date 5/11/2017

1 [Liquor License - 2340 Chestnut Street]

2
3 **Resolution determining that the issuance of a Type 40 on-sale beer license to**
4 **Frank Lee, Jr., dba Presidio Theatre, located at 2340 Chestnut Street (District 2),**
5 **will serve the public convenience or necessity of the 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, Frank Lee, Jr., dba Presidio Theatre, is seeking the issuance of a
11 Type 40 on-sale beer license, located at 2340 Chestnut Street (District 2); 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 and zero (0)
15 letters of support with the Department of Alcoholic Beverage Control under California
16 Business and Professions Code, Section 24013, and recommends that the Department
17 of Alcoholic Beverage Control issue the liquor license with conditions; and

18 WHEREAS, The conditions recommended by the Police Department are the
19 following: 1) sales, service and consumption of alcoholic beverages shall be permitted
20 between the hours of 10:00 a.m. and 1:00 a.m. each day of the week; 2) all sales of
21 alcoholic beverages in the general spectator seating areas shall be made only from
22 concession stands and shall not be sold, served, or delivered to customers by individual
23 ambulatory vendors, more commonly known as "hawkers"; 3) point of sale of alcoholic
24 beverages shall not be maintained within the theater auditoriums; 4) guest shall have a
25 valid ticket to a movie showing to purchase alcoholic beverage drinks for in-auditorium

1 consumption; 5) no more than two (2) alcoholic beverage shall be sold or served to any
2 one (1) person during any transaction; 6) the sale of alcoholic beverages for off-sale
3 consumption is strictly prohibited; 7) alcoholic beverages shall be served in containers
4 which significantly differ in appearance from those containers utilized for non-alcoholic
5 beverages; containers for alcoholic beverage shall not exceed 16 ounces; 8) at all times
6 when the premises are exercising the privileges of their licenses, an employee of the
7 premises shall enter and monitor the activity within the theater on a regular basis; 9)
8 loitering (defined as "to stand idly about; linger aimlessly without lawful business") is
9 prohibited on any sidewalks or property adjacent to the licensed premises under the
10 control of the licensee as depicted on the ABC-257; 10) the petitioner(s) shall be
11 responsible for maintaining free of litter the area adjacent to the premises over which
12 they have control; and 11) graffiti shall be removed from the premises and all parking
13 lots under the control of the licensee within 72 hours following the beginning of the next
14 weekday; now, therefore, be it

15 RESOLVED, That in accordance with California Business and Professions Code,
16 Section 23958.4, the Board of Supervisors of the City and County of San Francisco
17 hereby determines that the issuance of a Type 40 on-sale beer license to Frank Lee,
18 Jr., dba Presidio Theatre, located at 2340 Chestnut Street (District 2), will serve the
19 public convenience or necessity of the City and County of San Francisco; and, be it

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



San Francisco Police Department
ABC Liaison Unit



160537
RECEIVED VIA EMAIL
5/3/2017

Alcoholic Beverage License -
Public Convenience or
Necessity Recommendation

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

Supervisor Hillary Ronen
Supervisor Jeff Sheehy
Supervisor Sandra Lee Fewer

From: A/C Lieutenant Nelly Gordon *[Signature]*
Officer in Charge
ABC Liaison Unit (ALU) 415-837-7273

Date: May 3, 2017

Subject: P.C.N. Investigation Regarding: Lee, Frank, JR.
DBA: Presidio Theatre
2340 Chestnut Street
San Francisco, CA. 94123-2610
Frank Lee, Jr.
(415) 519-8716

Mr. Frank Lee, JR on behalf of Presidio Theatre has filed an application with the California Department of Alcoholic Beverage Control seeking a Type 40 (On – Sale Beer and Wine) License at 2340 Chestnut Street (located between Divisadero Street and Scott Street).

Hours of Operation:
10:00 am – 1:00 am 7 days a week

Digest:

Presidio Theatre has been located at 2340 Chestnut Street since the 1920's. Mr. Lee has owned Presidio Theatre since 2004. If approved, this license will allow Presidio Theatre to sell on-sale beer and wine only.

Letters of Protest:

No Record

Letters of Support:

No Record

Police Calls for Service:

From April 2015 to April 2016

4 call for service

Police Reports:

From November 2014 to November 2015

1 police report

San Francisco Plot Information:

This premise is located in Plot: 507

A High Crime area is defined as 106 or more police reports in a plot for the year of 2015.

This plot had 200 police reports for 2015, which is 94 over the Citywide "High Crime" average.

State Census Tract Information:

This premise is located in Census Tract: 127.00
Population for this tract is: 3,492

On-sale license authorized by census tract: 12
Active on-sale licenses: 3 with 0 pending

Off-sale licenses authorized by census tract: 3
Active off-sale licenses: 3 with 0 pending

Departmental Recommendation:

Points of consideration: **0**

No opposition from **Northern**

Applicant premise **is** located in a "**High Crime**" area.

Applicant premise **is** located in a "**Low concentration**" area.

0 - Record of protest.

0 - Record of support.

ALU Recommendation: **Approval with the following conditions:**

1. Sales, service and consumption of alcoholic beverages shall be permitted between the hours of 10:00 a.m. and 1:00 a.m. each day of the week.
2. All sales of alcoholic beverages in the general spectator seating areas shall be made only from concession stands and shall not be sold, served or delivered to customers by individual ambulatory vendors, more commonly known as "hawkers".
3. Point of sale of alcoholic beverages shall not be maintained within the theater auditoriums.
4. Guest shall have a valid ticket to a movie showing to purchase alcoholic beverage drinks for in-auditorium consumption.
5. No more than two (2) alcoholic beverage shall be sold or served to any one (1) person during any transaction.
6. The sale of alcoholic beverages for off-sale consumption is strictly prohibited.
7. Alcoholic beverages shall be served in containers which significantly differ in appearance from those containers utilized for non-alcoholic beverages. Containers for Alcoholic Beverage shall not exceed 16 ounces.
8. At all times when the premises are exercising the privileges of their licenses, an employee of the premises shall enter and monitor the activity within the theater on a regular basis.

9. 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.
10. The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
11. Graffiti shall be removed from the premises and all parking lots under the control of the licensee within 72 hours of application. If the graffiti occurs on a Friday or weekend day, or on a holiday, the licensee shall remove the graffiti within 72 hours following the beginning of the next week day

❖ **It should be noted that the Applicant agrees with all the above conditions.**

End



2340 Chestnut St

Google

Map data ©2016 Google 200 ft

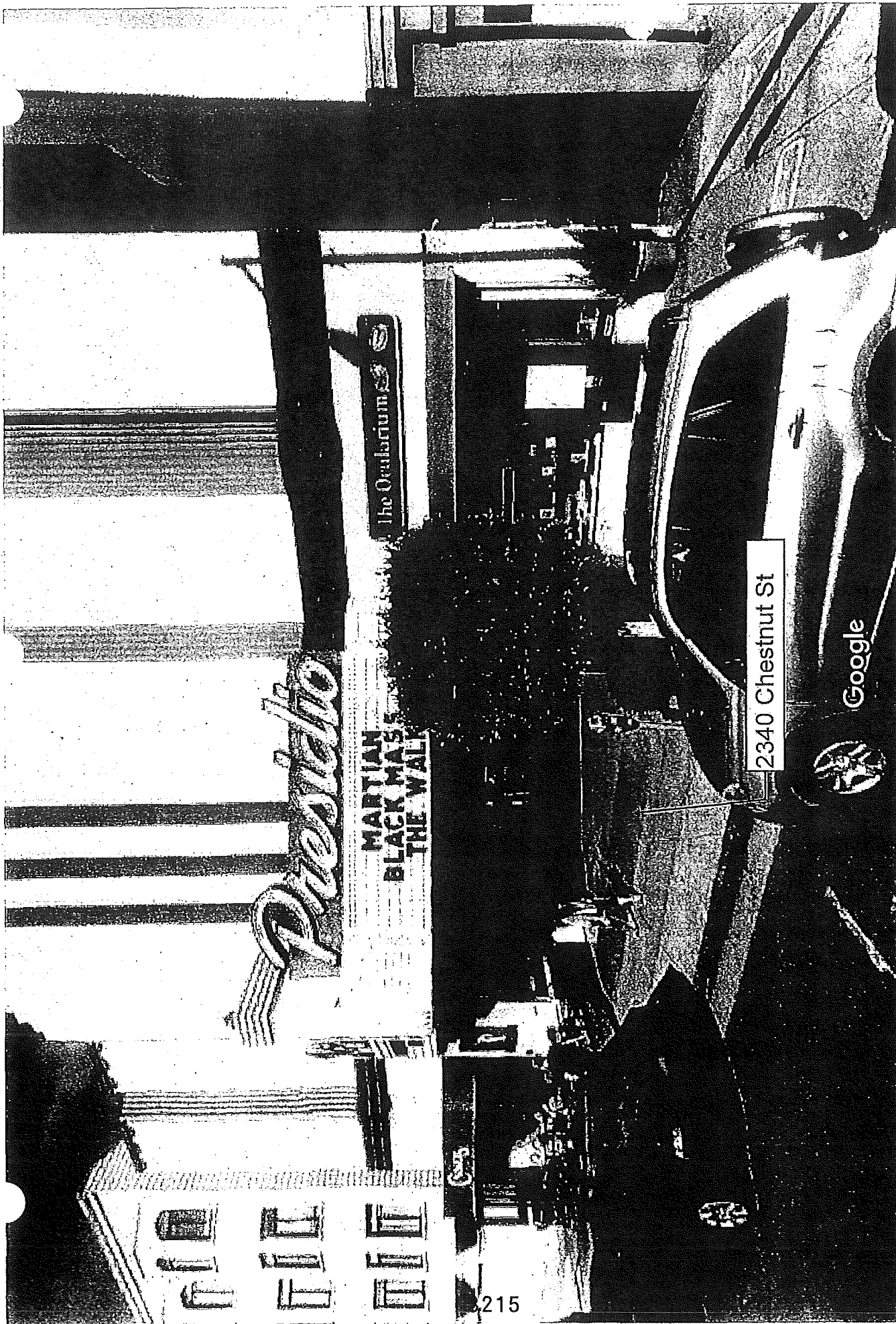


Image capture: Oct 2015 © 2016 Google

LIQUOR LICENSE REVIEW

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

File: 160532

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

DATE: May 11, 2016

Block/lot: 0929/014

Zoning: NC-2

Quad: NW

Record # 2016-006212 Mis

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

PLEASE EMAIL YOUR RESPONSE BY: June 15, 2016, to Erica Major, Public Safety and Neighborhood Services Committee Clerk.

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

Applicant Name: Frank Lee
and Business Name: Presidio Theatre
(2340 Chestnut Street)
Applicant Address: 50 Via La Cumbre
Greenbrae, CA 94094
and Phone No. (415) 519-8716

PLANNING COMMENTS: Approval Denial

MAR 27, 2017 APPROVED. LAURA AJELIO, PLANNING PH (415) 575-9142. BAR USE IS PERMITTED PER PLANNING CODE SECTION 711.41. CHANGE OF USE NOTIFICATION COMPLETED UNDER BLDG PERMIT # 2016.06.16.0154.

POLICE COMMENTS: Approval Denial



SAN FRANCISCO PLANNING DEPARTMENT

16537

Notice of Planning Department Requirements #2

July 19, 2016

Lida Wong and Frank Lee
2340 Chestnut Street
San Francisco, CA 94121

RE: 2340 Chestnut Street (Address of Permit Work)
0929/014 (Assessor's Block/Lot)
2016.06.16.0154 (Building Permit Application Number)
2016-005083MIS Alcoholic Beverage License Zoning Referral
2016-006212MIS Liquor License Review Referral

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Your Building Permit Application #2016.06.16.0154 has been received by the Planning Department and has been assigned to planner Laura Ajello. She has begun review of your application but the following information is required before it is accepted as complete and/or is considered Code-complying. Time limits for review of your project will not commence until we receive the requested information or materials and verify their accuracy.

In order to proceed with our review of your Building Permit Application, the following is required:

1. Fill out and return a Building Permit Supplemental Information sheet. A fillable PDF can be found on the Department website and emailed directly to the project planner: http://forms.sfplanning.org/BldgPermitApplication_Supplemental_Fillable-030215.pdf
2. Submit floor plans. Plans must meet [Plan Submittal Guidelines](http://sf-planning.org/sites/default/files/FileCenter/Documents/8676-Plan_Submittal_Guidelines-042315.pdf) (found on our website at: http://sf-planning.org/sites/default/files/FileCenter/Documents/8676-Plan_Submittal_Guidelines-042315.pdf).
3. Submit a Section 312 "Affidavit for Notification Material Preparation" form (see attached).
4. Submit an Excel formatted 312 mailing list. *This can be emailed to the project planner.*

Please note that further comment may follow review of the requested information.

As you are aware, there is an active Planning Code violation at this site. The violation must be abated prior to making a decision on the above listed permits. Contact Zoning and Compliance Planner Matt Dito at (415) 575-9164 for more information.

All plans submitted must be to an appropriate scale: site plan 1/8" = 1'; floor plans 1/4" = 1'. Plans should be clearly labeled.

NOPDR #2 sent to:
Lida Wong and Frank Lee
2340 Chestnut Street
San Francisco, CA 94121

July 19, 2016
2016.06.16.0154
2340 Chestnut Street

All building permit plan revisions must be filed at the Department of Building Inspection (DBI), Permit Processing Center, 1660 Mission Street, 2nd Floor. To officially submit a change to the building permit plans, do not submit building permit plans directly to the Planning Department. Per DBI requirements, these plan revisions will not be accepted by mail or messenger, and all plans must be signed by preparer, architect or engineer.

Please submit the requested information, or contact the assigned planner if you need more time to prepare the requested information, within thirty (30) days. If the Department has not received the requested information within 90 days, the application will be sent back to the Department of Building Inspection for cancellation.

Please direct any questions concerning this notice to the assigned planner, Laura Ajello at (415) 575-9142 or laura.ajello@sfgov.org. Contact the assigned planner to set up any meeting, should one be necessary. Please do not come to the Planning Department to discuss this notice without an appointment. Thank you for your attention to this notice. An early and complete response on your part will help expedite our review of your permit application.

Attachments: Affidavit for Notification Material Preparation
CC: Matt Dito, Zoning and Compliance

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Planning Department Applications and Publications are available at the Planning Information Center, 1660 Mission Street, 1st floor or via the Department website: www.sfplanning.org.



SAN FRANCISCO PLANNING DEPARTMENT

Notice of Planning Department Requirements #1

May 17, 2016

Frank Lee
50 Via La Cumbre
Greenbrae, CA 94904-1345

RE: Alcoholic Beverage License Zoning Referral (2016-005083MIS) and
Liquor License Review Referral (2016-006212MIS)
DBA: Presidio Theater
Address: 2340 Chestnut Street
Assessor's Block/Lot: 0929/014
Zoning District: NC-2 (Neighborhood Commercial Small Scale)

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

This letter is in response to Alcoholic Beverage License and Liquor License Review referral requests received by the Planning Department. Such applications are referred to the Planning Department to ensure that the proposed use is consistent with San Francisco's zoning regulations. At this time, the Planning Department cannot provide a recommendation for the zoning referrals.

According to Planning Department records, there is an open Code Enforcement Violation on the subject property (see attached Complaint ID 13358_ENF). The property owner is required to abate this open violation prior to a recommendation for the referrals. The referrals will be placed on hold until the violation is abated.

Please contact Zoning and Compliance planner Matthew Dito at (415) 575-9164 to address and abate the violation.

Notify me after the violation has been abated to resume review of your proposal to add on-sale beer with ABC License Type 40 (bar, tavern). A written description of the bar use must also be provided.

According to Planning Department records, the authorized use of the subject site is a theater use. Application for this type of alcoholic beverage license constitutes a bar.

Bar use is permitted in the applicable NC-2 Zoning District but it is considered a change of use, which requires that you file a Building Permit Application. Change of use proposals in the NC-2 Zoning District require that notice be provided to neighbors and property owners. This involves a 30-day notification period for neighborhood review and comment to the Planning Department. See our website and the attached Neighborhood Notification handout for more information.

In order to proceed with our review of your Alcoholic Beverage License referrals submit the following:

- a. Building Permit Application to establish the new use as a bar (Note: Plans may be required by the Department of Building Inspections even if no construction is proposed). *Request that this permit be routed to Laura Ajello.*
- b. Section 312 Neighborhood Notification materials including a 150-foot map and mailing list and photographs. *This information may be submitted directly to the Planning Reception desk.*

Please submit your Building Permit Application within thirty (30) days. The alcoholic beverage license application will be sent back to the Department of Alcoholic Beverage Control for cancellation if we do not receive the requested information in this time. Please note that further comment may follow review of the requested information.

Planning Department Applications and Publications are available at the Planning Information Center, 1660 Mission Street, 1st floor or via the Department website: www.sfplanning.org.

Please direct other questions concerning this notice to the assigned planner, **Laura Ajello at (415) 575-9142**. Please do not come to the Planning Department to discuss this notice without an appointment.

Thank you for your attention to this notice. An early and complete response on your part will help expedite our review of your application.

Encl: Neighborhood Notification handout
CC: Department of Alcoholic Beverage Control (Joan.Bernardino@abc.ca.gov), BOS (Erica.major@sfgov.org);
Zoning and Compliance (matthew.dito@sfgov.org).

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RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2016 MAY 11 PM 2:39
BY AK

May 9, 2016

From:
Presidio Theatre
2340 Chestnut St.
San Francisco, Ca. 94123
Frank Lee

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

The following is the information for a PCN request:

Name & Number: Frank Lee (415) 519-8716
Name & Address: **Presidio Theatre 2340 Chestnut St. San Francisco,
California, 94123**
Mailing Address: 50 Via La Cumbre Greenbrae, California 94904
Type of License: Type 40 (beer only)
Hours: 1 pm to 10 pm daily
Explanation: Convenience for audiences to consume while watching a movie and
request from audiences to serve beer. To compete with other movie
theatres in San Francisco that already serve alcohol.



LIQUOR LICENSE REVIEW

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

File: 160532

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

DATE: May 11, 2016

This item is tentatively scheduled to be heard in four to six weeks.
PLEASE EMAIL YOUR RESPONSE BY: June 15, 2016, to Erica Major, Public
Safety and Neighborhood Services Committee Clerk.

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

Applicant Name: Frank Lee
and Business Name: Presidio Theatre
(2340 Chestnut Street)
Applicant Address: 50 Via La Cumbre
Greenbrae, CA 940904
and Phone No. (415) 519-8716

PLANNING COMMENTS: Approval Denial

POLICE COMMENTS: Approval Denial