



SAN FRANCISCO PLANNING DEPARTMENT

Memo to the Planning Commission

HEARING DATE: APRIL 6, 2017

Date: March 30, 2017
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

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

BACKGROUND

On July 28, 2016, the Planning Commission reviewed Case No. 2016-004115CUA for a request for Conditional Use Authorization pursuant to Sections 303, 803.2(b)(1)(B)(iii), and 810.41 of the Planning Code, to authorize a change of use from a vacant Movie Theater to an Other Entertainment live performance theater use (d.b.a. Boxcar Theatre), and to establish a Bar use for the sale of alcohol during performances, at the basement level of the existing four-story over basement building. The Planning Commission (hereinafter "Commission") approved the Conditional Use Authorization, and as set forth in Motion No. 19706, the Commission requested a Written Performance Update to occur six months following approval.

On February 2, 2017, Department staff provided the Commission with a Written Performance Update memo. At the hearing on February 9, 2017, the Commission requested a full hearing to discuss this item further.

REQUIRED COMMISSION ACTION

This is an informational hearing only; therefore, no Commission action is required. If the Commission wants to amend, add, or rescind the conditions of approval, the Commission must request a separate hearing, which would require additional noticing.

Attachments:

CPC Motion No. 19706, dated 7/28/16

Written Performance Update Memo, dated 2/2/17

- Includes emails from Project Sponsor and Neighbors

Additional Emails Received since 2/2/17 Memo

This page intentionally left blank.



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

☐ Affordable Housing (Sec. 415)

☐ Jobs Housing Linkage Program (Sec. 413)

☐ Downtown Park Fee (Sec. 412)

☐ First Source Hiring (Admin. Code)

☐ Child Care Requirement (Sec. 414)

☐ 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 purposes 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

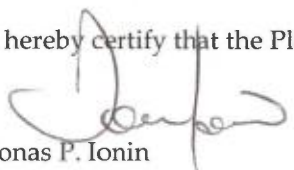
That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application 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



SAN FRANCISCO PLANNING DEPARTMENT

Memo to the Planning Commission

HEARING DATE: JULY 28, 2016

Date: February 2, 2017
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

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

BACKGROUND

On July 28, 2016, the Planning Commission reviewed Case No. 2016-004115CUA for a request for Conditional Use Authorization pursuant to Sections 303, 803.2(b)(1)(B)(iii), and 810.41 of the Planning Code, to authorize a change of use from a vacant Movie Theater to an Other Entertainment live performance theater use (d.b.a. Boxcar Theatre), and to establish a Bar use for the sale of alcohol during performances, at the basement level of the existing four-story over basement building. The Planning Commission approved the Conditional Use Authorization and as set forth in Motion No. 19706, the Planning Commission imposed the following condition of approval:

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.

At the hearing, there was one primary point of discussion dealing with the rear of the subject property and its frontage onto Kenneth Rexroth Place, an alley which runs for a half block between the rear of the subject property and the intersection at Vallejo and Columbus just to the north. Boxcar Theatre proposed using the alley as a meeting and entrance point for patrons, as part of their "Speakeasy" production. This would contribute to the overall experience of the show, which is designed to be immersive and interactive for patrons, and set in the Prohibition era.

Also along this alley however, are three parcels with 7 residential units; Kenneth Rexroth Pl. is the only access point for these units. These residents submitted emails in advance and also commented at the hearing, concerned about the impact that this business would have on their safety, the cleanliness of the

alley, and their overall quality of life. To complicate matters further, there was actually a gate installed at the north end of the alley, where it meets Vallejo St., so the residents of the alley are accustomed to a restricted street.

As a result, in addition to the Condition of Approval requiring a six-month performance update, the Commission also imposed additional conditions around use of the alley by Boxcar Theatre, specifically:

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.

Sidewalk Maintenance. ... The Project Sponsor shall also be responsible for maintaining the cleanliness of Kenneth Rexroth Place at the rear of the property.

Noise Control. ... 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.

In preparing this memo, staff sent emails out to the residents of Kenneth Rexroth Pl. that had previously been in communication with the Department, the general manager of Boxcar Theatre, the Captain of Central Station (SFPD), and the office of Supervisor Aaron Peskin.

Both the Central Station and the Supervisor's office reported that they did not receive any complaints or issues being reported in regard to the theater's use and operations.

Responses from Residents along Kenneth Rexroth Pl.

The collective response from the residents at the rear, and additionally from Joe Mastrelli of Molinari Deli at 373 Columbus Ave, continues to be in opposition to the use of Kenneth Rexroth Pl. as an entrance for Boxcar Theatre's production, though not opposed to the theater use generally. All of the emails received from neighbors have been included as an attachment to this memo.

In their responses, several residents and owners noted that there continued to be issues with individuals smoking, causing too much noise particularly during late-night hours, and leaving trash in the alley. Several responses also noted issues with the placing of trash bins at the corner of Columbus and Vallejo, leaving them out for days at a time, and having them overflow with garbage. Respondents noted the inconvenience of having to walk by bouncers in order to reach their homes, the influx of strangers congregating near the gate and walking through a small space which is essentially seen as their front yard, and overall security concerns as some residents have found the gate left open in the evening presumably for late arrivals to the theater.

Some of the respondents recognized that a slight improvement has occurred over the last two months,

coinciding with Boxcar replacing the security company that they were using (which David Gluck, manager of Boxcar Theatre addresses in more detail in his own response.) In summary however, respondents feel that they were willing to give the company a chance for six months, but that many of their concerns still persist. It is unclear to these respondents why their property values should be negatively impacted in order to provide a third entrance for the theater, when there are already two, more appropriate entrances along Broadway.

Response from Boxcar Theatre

The full, 3-page response from David Gluck, manager of Boxcar Theatre, can be found as an attachment to this memo; major points from the letter are summarized below.

Boxcar Theatre began performances of “The Speakeasy” on September 2, 2016, after securing all necessary permits and licenses, and since that date they have held 52 performances, which continue to receive critical acclaim from local and national media publications. Patrons gather in one of two locations – in Jack Kerouac Alley, off Grant St. near the front side of the property, and in front of the Shrine of St. Francis of Assisi on Vallejo, for those patrons who are to enter through the rear alley. He notes too that the patrons of the show, often in period attire, often frequent other nearby restaurants, bars and businesses before the show, bringing an economic benefit to the neighborhood, and attracting the interest and curiosity of tourists and locals alike.

Mr. Gluck notes that their most important concern as it relates to the alley issues, is “to have the right security staff in place during all performances, to ensure that there will be no smoking in the alley at any time, and no foot traffic into or out from our business after 8:30 p.m.” He recognizes the initial struggles they were having with two different security companies, that they were not achieving the promised results, and understands that “anything less than 100% success [on this issue] equals failure.” As a result, the company determined that they needed to hire and train their own in-house security staff in order for there to be direct accountability to Boxcar Theatre. Since making this change, Mr. Gluck feels that the management of the alley has been almost flawless. Additionally, Boxcar has placed “No Smoking” signs in the loading dock area at the rear, has consistently roped off the rear stairwell after performances begin, frequently reminds staff that this rear stairway cannot be used for entrance or exit after 8:30, and directs all late-arriving patrons to enter through the Broadway side of the building.

Boxcar Theatre does recognize the concerns of the residents as valid and that these conditions may constitute a nuisance, especially when compared with the relative quiet these residents experienced over the last several years, when the 644 Broadway building was vacant following the closure of the Gold Mountain Restaurant. However, Mr. Gluck wants to make it clear that the conditions of the alley are not due to Boxcar’s activities, and that they have tried their hardest to be “conscientious, respectful and responsive neighbors.”

Mr. Gluck attributes the conditions in the alley and the root cause of the neighbor’s concerns to two main points. First, the residents of Kenneth Rexroth Pl. are currently stuck between two major construction projects, with the buildout of China Live – the tenant at the 1st, 2nd, and 3rd floors of 644 Broadway and the adjacent 660 Broadway – and the tenant improvements to the Piazza Market building proposed for Cole Hardware, fronting Vallejo at the other end of the alley. These projects, with substantial square footages, have large crews and a rotation of construction workers that are entirely unassociated with Boxcar Theatre and are unaware of the restrictions on their use of the alley.

Second, Mr. Gluck notes that while Boxcar Theatre is unique in that they required a Conditional Use Authorization to operate, there are other businesses in the building, or others with access to the alley, that do not have such conditions imposed; therefore, although Boxcar has been operating with the conditions laid out in the approval, this business now feels responsible for all general concerns and complaints about the condition of the alley.

In his letter, Mr. Gluck specifically responds to a number of the comments made by individual residents, and offers further suggestions as to how his company may continue to work to improve their operations, as well as other suggestions for beautifying the alley. He notes that all Boxcar Theatre employees know to only smoke on the Broadway side of the building, and direct patrons to do the same. He has witnessed cigarette butts flicked into the alley by construction workers, by workers at Molinari Deli smoking at their rear loading dock, by tenants in the units above Molinari Deli, and by members and employees of the other businesses at the 3rd and 4th floors of the subject 644 Broadway building. Lastly, he notes that their contract with Recology requires that they set out their carts along the Broadway side of the building, though recognizes that other businesses within the building may be using the bins located at the rear of the building, and place them at the end of the alley at Vallejo.

In summary, while Boxcar Theatre does recognize the concerns of these nearby residents, they do not believe they are the cause of these issues and that it would be unfair to penalize an operator acting in good faith, for the actions of others in the vicinity that are not held to the same conditions of approval or Conditional Use Authorization process. Boxcar has succeeded in creating a unique theater experience and has worked diligently to make this a flawless operation.

In conclusion, the Department does not find the operator, Boxcar Theatre, to be in violation of any of the Conditions of Approval; however, staff also encourages the operator and the building's management company to continue to work with residents of Kenneth Rexroth Pl. in order to continue making improvements to alley conditions.

REQUIRED COMMISSION ACTION

None required, however the Commission may request a full hearing at its discretion. This memorandum is intended to update the Commission on the operation of "Boxcar Theatre" at 644 Broadway six months following the approval of the Other Entertainment and Bar use, per Motion 19706.

Attachments:

Email from David Gluck, Boxcar Theatre
Emails from Kenneth Rexroth Pl. Residents

From: [David Gluck](#)
To: [Perry, Andrew \(CPC\)](#)
Subject: Re: Boxcar Check-in - Please call or email me
Date: Tuesday, January 17, 2017 12:17:09 AM
Attachments: [image007.png](#)
[image009.png](#)
[image011.png](#)
[image013.png](#)
[image016.png](#)
[image005.png](#)
[image003.png](#)
[image015.png](#)

To Andrew Perry and members of the Planning Commission:

The board, staff, and audience members of Boxcar Theatre are deeply grateful that the Planning Commission voted to approve the conditional use permit that allowed Boxcar Theatre to begin operating the premises at 644 Broadway, Lower Level, as a live performance theater. The experience of the last six months has been incredibly exhilarating, challenging, and ultimately gratifying. The Boxcar Theatre staff worked incredibly hard to overcome enormous obstacles and bring this exciting new live performance experience to North Beach / Chinatown. Local residents, businesses, city officials, media, and the larger artistic community have been overwhelming supportive and welcoming of this project.

We began performances of "The Speakeasy," our immersive theatre hit show, on September 2, 2016, having received all necessary permits and licenses, including Planning Department, Building Department, Fire Department, Police Department, Health Department, Entertainment Commission, and Alcoholic Beverage Control approvals. That in itself felt like a huge accomplishment, and we are deeply grateful to all the residents, businesses, and city officials who supported our applications and helped us navigate the approvals processes. As the Planning Commission well knows, it is not a small accomplishment to open a new, safe, well-equipped and fully permitted arts space in a mixed-use district in San Francisco. We have been diligent in meeting the requirements of all the City agencies involved.

Since September, we have performed "The Speakeasy" a total of 52 times, and more than 8,300 San Francisco residents and visitors have seen the show. Most of our audience members come to the show in 1920s-style attire, and on performance nights they are easily recognized stepping out of ride-share vehicles and filling nearby restaurants. We have developed good relationships with the owners of many neighborhood restaurants, who appreciate the influx of early-evening diners so festively attired. We operate our "remote check-in" locations in Jack Kerouac Alley and on Vallejo Street near the Chapel of St. Francis, and the small groupings of costumed theatre-goers have become a piece of well-known local color for residents, and a source of delightful bewilderment for tourists traipsing through the area.

On November 17, we held our official ribbon cutting ceremony, which was open to neighborhood residents and business owners, attended by more than 100 people, and covered by the local media, including Sing Tao Daily. I've attached a photo from that ceremony, featuring Supervisor Aaron Peskin, SFPD Captain David Lazar, and representatives of the Mayor's OEWD, the Entertainment Commission, the Art Commission, Chinatown Community Development Corporation, Center for Asian American Media, North Beach Business Association, Theatre Bay Area, Northern California Community Loan Fund, and the Community Arts Stabilization Trust. We

were very proud to have so many agencies and organizations cheering for us.

On December 8, we held our official "press opening," and the critical response has been overwhelmingly positive. The San Francisco Chronicle gave us its highest rating, the "Little Man" leaping out of his chair in wild applause, and wrote "A feast for the theatrically adventurous -- The Speakeasy deserves to be a fixture in the Bay Area theater scene." Raves from San Francisco Magazine, 7x7, San Francisco Examiner, and a host of online sources including The Bold-Italic, SFist, Mission Mission, and For All Events included quotes like:

"An unpredictable, immersive delight"

"Absolutely a must-see"

"It's easy to see why The Speakeasy is the hottest ticket in town"

College Magazine ranked The Speakeasy #3 in the "Top Ten FOMO Events in San Francisco", behind only Bay to Breakers and Outside Lands. We've never read College Magazine, and maybe you haven't either, but it has a national circulation of around one million college students, and this article is telling them not to miss The Speakeasy the next time they visit San Francisco.

The critics among our audience members have been equally kind, bestowing us with a 5-star rating on TripAdvisor, and 4.5 stars in more than 100 reviews on Yelp. The bulk of our audience members to date have been San Francisco and Bay Area residents, but we are actively cultivating the tourist market, and have joined SF Travel and hosted a monthly meeting of the Northern California Concierge Association.

All in all, we are pleased to report considerable initial success for the project itself. We have also done a good job of meeting Planning Commission conditions regarding use of Rexroth Alley.

Our most important concern is to have the right security staff in place during all performances, to ensure that there will be no smoking in the alley at any time, and no foot traffic into or out from our business after 8:30 pm. To be honest, we struggled initially to put in place the right security resource. We first hired Bannerman Security, which yielded very inconsistent results; they sent different guards almost every night, and despite clear and explicit instructions, some of the guards failed to prevent foot traffic and smoking in the alley. We worked with Bannerman for a few weeks to improve these outcomes, and then we replaced them with Shaw Security. This second firm provide a more consistent presence, but nonetheless did not deliver spotless result; we are acutely aware that anything less than 100% success equals failure. We determined that we had to hire and train our own in-house security staff, with direct accountability to Boxcar Theatre, and since we have made this change, our management of the alley has been almost flawless.

Other measures to mitigate impact on alley residents include posting No Smoking signs in the loading dock area, roping off the rear stairwell to our premises after performances (the rear door cannot be locked as it is a fire exit), and frequent reminders to staff that the rear stairway may not be used for entrances or exits after 8:30 pm.

We understand that in some regards, the residents of Rexroth Alley are not happy with the physical condition and the level of activity on their street. Vehicle traffic, construction noise, garbage carts, cigarette butts, all constitute a nuisance and interfere with the quiet enjoyment of their homes. BUT THESE CONDITIONS ARE NOT DUE TO BOXCAR THEATRE. Right now, the Rexroth residents are sandwiched between two major construction projects. The anchor tenant of our building, China Live, is furiously trying to complete the build-out of 20,000 square feet of restaurant space by the end of the month, with large crews working days, weekends, and late into the night -- some crews do not start until 10 pm. On the other end of the alley, Cole Hardware is renovating the prior Piazza Market space, clogging the alley with trade vehicles and generating large clouds of noise and dust. In addition, the San Francisco Film Society and Disher Sound continue to operate on the upper floors of 644 Broadway, and frequently host late-night events.

There are complaints about cigarette butts accumulating in the alley -- these are not due to Boxcar Theatre. We have personally witnessed the construction workers from both large projects smoking in the alley and flicking their butts in the street. We have seen workers from Molinari's Delicatessen taking smoke breaks in their rear loading dock, and leaving cigarette butts behind. We have seen the residents of the upper units above Molinari's smoking at their windows and dropping butts on the street below. Our customers and our staff do not smoke in Rexroth, they only smoke on Broadway.

There are complaints about trash bin and trash bags being left in the alley -- these are not due to Boxcar Theatre. Our contract with Recology requires that our trash carts are set out on the Broadway side of the building, never on the Vallejo or Rexroth side. We have 5-day trash pickup and dispose of all trash properly in our carts, we never dump trash bags in the alley. There are indeed trash carts in the 644 Broadway loading dock, but they are not ours. It is possible that the building's custodial staff, or one of the other businesses, uses the Rexroth side for trash collection, but Boxcar does not.

There are complaints about foot traffic and noise after hours in the alley -- these are not due to Boxcar Theatre. The filmmaker offices on the fourth floor of the building are full of artists who work late into the night, some of whom habitually leave via the Rexroth Alley, since the closest parking garages that are open after 10 pm are on Vallejo between Powell and Stockton. The San Francisco Film Society hosts frequent lectures, screenings, and fundraising events that last late into the evening, at which point 20-60 people depart the building all at once. Our customers are methodically steered out the Broadway exits only, and our employees have been trained not to use the alley at night.

One of the residents (Pei) provided some videos of people smoking in the alley. These were not Boxcar employees or audience members. These were members of the fourth floor filmmaking community you can see on holding a camera tripod); and I went out there that day, met these guys and told them not to smoke in the alley.

One of the residents (Mandy) mentioned the gate being left open for late arrivals to the theater. This is not how we operate, all late arrivals are directed to enter on the Broadway side. What I can do in response to this concern, is direct our security guard, who is stationed at the opposite end of the alley, to leave his post and close the alley gate at any time it is left open and unattended, by any resident or business that has access to the gate. Mandy also mentioned that she didn't feel safe in the

alley, but I think she was overlooking the added security of having a guard-card certified staff member stationed just a few feet away from the entrance to her home. Many people would see this as a net gain in safety.

Joe from Molinari's is very passionate but he is simply wrong on the facts. If there are people who work at 644 Broadway who are smoking in the alley, they are not Boxcar employees. Since the restaurant and office uses in the building did not require Conditional Use permission, the owners and employees of those business may never have been educated in the proper use of the alley. They may believe that they are complying with local ordinance by not smoking inside. And the scores of construction workers under China Live have almost certainly not been instructed not to smoke in the alley -- there are different guys working there every day. And once again, the trash carts on the corner of Columbus and Vallejo are not Boxcar's. I'm sure Joe was exaggerating when he threatened to throw one through our front window, but it's nice to know who to talk to just in case it happens.

It seems to me that these residents received tremendous benefit during the years that 644 Broadway was vacant. We know from their own accounts that when the building was operating as Gold Mountain Restaurant, there were a variety of blight conditions in the alley, some of them arising from that business. The residents have had a very nice 4-5 quiet years with no commercial activity there. They don't want to lose that peace and quiet, which is completely understandable. But China Live is opening soon with a footprint three times the size of Boxcar's, with 300 daily employees, and with no conditional use restrictions on the use of Rexroth Alley. DPW has declared Rexroth to be a public street and the rear exit from 644 Broadway a legal and necessary egress. So significant change is coming to Rexroth, regardless of what happens with Boxcar. It seems to me that this conditional use process has given the residents an outlet to channel all their anxiety, worry, and fear of change, and heap it on Boxcar, when in reality we are one of the most conscientious, respectful, and responsive neighbors they could hope to have.

We ask that the Planning Commission maintain the current set of conditions and allow the permitted use to continue. Once the major construction at both ends of the alley is complete, we would be very happy to engage with residents and business owners regarding beautification and improvement of the alley. The owners of 644 Broadway have already expressed in interest in paying to have the alley repaved, and our creative staff is incredibly adept at envisioning small changes that dramatically improve the character of the space. We could be outstanding partners in transforming Rexroth into a unique and special streetscape.

Thank you for your time and attention on this matter.

David Gluck
Producer & General Manager
"The Speakeasy"
415-828-2301

On Thu, Jan 12, 2017 at 5:07 PM, Perry, Andrew (CPC) <andrew.perry@sfgov.org> wrote:

Thanks David – I would ideally like the feedback as soon as possible, would it be realistic to have it to me by Tuesday or Wednesday of next week?

The information will be transmitted to the Commission via a memo that I will write, synthesizing the feedback from all parties that have responded. After reviewing the memo, the Commission may request another full hearing on this matter at their discretion. At that hearing, I believe the Commission could revisit the existing conditions of approval and operating parameters that had been authorized, in order to result in a project, intensity and use that may be more compatible with the surrounding properties. They may also find that the current operation is sufficient – it's truly at the discretion of the Commission.

The memo would be available publicly, and I will likely attach all feedback emails directly to the memo so there is no potential loss of information in my summary.

Andrew Perry

Planner, NE Quadrant, Current Planning

Direct: [415-575-9017](tel:415-575-9017)



1650 Mission Street, Suite 400
San Francisco, CA 94103

**SF Planning
Department**

From: David Gluck [mailto:dlgluck@gmail.com]

Sent: Thursday, January 12, 2017 4:50 PM

To: Perry, Andrew (CPC)

Subject: Re: Boxcar Check-in - Please call or email me

Hi Andrew,

Thanks for your follow-up. We are indeed working on our submission. What is the deadline to get this to you? And how is this information used -- does it go back to the commission, is it heard publicly?

Thanks very much.

David Gluck

Producer & General Manager

"The Speakeasy"

[415-828-2301](tel:415-828-2301)

On Thu, Jan 12, 2017 at 4:39 PM, Perry, Andrew (CPC)
<andrew.perry@sfgov.org> wrote:

Hi David,

I'm attaching a PDF binder with 6 additional emails from neighbors/residents of the alley. I've tried reaching out a few times now – maybe you are in the process of drafting a reply? Please at least let me know that you've received my emails or call and are aware that you should be providing me with an update from your end as well. I am definitely hearing the neighbor's continued concerns, and I want to be sure that you and Boxcar have a chance to represent your side of the story as well.

Thanks,

Andrew Perry

Planner, NE Quadrant, Current Planning

Direct: [415-575-9017](tel:415-575-9017) | Fax: [415-558-6409](tel:415-558-6409)



1650 Mission Street, Suite
400

**SF Planning
Department**

San Francisco, CA 94103

[Hours of Operation](#) | [Property Information Map](#)



From: [Rae Owen](#)
To: [Russell Wolking](#)
Cc: [Perry, Andrew \(CPC\)](#); [David Copperman](#)
Subject: Re: Boxcar Theatre 6-month Check In
Date: Friday, January 06, 2017 4:43:01 PM
Attachments: [image016.png](#)
[image017.png](#)
[image020.png](#)
[image015.png](#)
[image021.png](#)
[image019.png](#)
[image018.png](#)

Hi Andrew, thanks so much for following up, and happy new year!

I echo Russ' comments; the first four months of this arrangement were awful, and we had frequent problems with trash, smoking, and late-night noise. The current security team has been an improvement, but we've still experienced plenty of nights where the staff and performers use the alley as an exit in the late-night hours. I've personally been woken up at least 4 times by some of the performers smoking and talking loudly in the alley after midnight.

Overall, it has continued to be (at the best of times) inconvenient to have the only entrance to our home blocked (and at worst, polluted and disrupted) by the bar's use of the alley as a third entrance option. I'm curious to know if using the alley has truly made a difference in their business; I know their original desire to use the alley was purely for creative effect - not fire/safety code - and it still seems to me that the rights of the residents to a peaceful, clean and quiet sole entrance should outweigh the theatrical request for more "secret" entrances.

I'm hoping that, with a few months under their belt now, the Speakeasy will see that it's not necessary for their show to have three separate entrances. We haven't seen them care for the alley space (or any other neighborly / goodwill efforts, for that matter...) as any other resident would, and as homeowners, having a bar entrance directly outside of our front/only door is absolutely a long-term concern. I am curious as to what protection we'll have if this 6-month Conditional Approval is updated to full/permanent approval. I'm very concerned that The Speakeasy will look for more cost-effective security options if they no longer have "conditional" approval.

What are our options for longer-term conditional use specifications? I want to be sure that if they do not decide to stop using the alley as an entrance/exit that we'll have reasonable options to encourage them to continue to tighten their security, cleanliness, and noise protocols.

Thanks again for your attention here. I'll forward your inquiry to Trista Yu; she is one of the other residents on Kenneth Rexroth. Her email address is tracyyu88@yahoo.com.

Best wishes,
Rae

On Thu, Jan 5, 2017 at 11:08 PM, Russell Wolking <russellwolking@yahoo.com>

wrote:

Hey Andrew,

Thanks for following up! It's hard to answer your question at this point. Initially we had a ton of issues with the Boxcar Theatre Group and the Speakeasy. Their staff & security guards would talk very loud and smoke in the alleyway, which resulted in a disgusting amount of cigarette and other trash in the alley and made it hard to peacefully enjoy our home. They also would leave their trash bins out on the corner of Vallejo and Columbus for several days at a time, which resulted in them frequently overflowing with garbage. We emailed David Gluck on a number of occasions to ask him to do something about it, and he said that he talked to the staff, but it continued to be a recurring problem until Boxcar fired the security company they were using a couple of months ago, and posted a no-smoking sign. The past two months have been a little better, but in all honesty I think a big part is because they've been operating less frequently during the holidays.

Overall, I still would rather not have Boxcar use the alleyway. Frankly, it's a nuisance to us to have to walk by bouncers, have strangers wandering through our front yard, and to pick up their trash. I don't think its existence provides any benefit to the Kenneth Rexroth residents. I have yet to see them do anything to clean or maintain the alleyway like they said they would, which would be a huge help considering some of the trash comes from their staff and patrons, and that would be a neighborly thing to do. I also worry that turning my "front yard" into a bar entrance will decrease the value of my home. I might feel differently if they invested a little into the upkeep and beautification of the alley, but I'm not sure their willingness to do that. Their offer of free tickets to the show is nice, but really the community outreach hasn't gone far beyond that, and I can only speak for that being offered to myself by David G. At best, I'd offer them another 6 month conditional use with the request that they build off their recent improvements and try harder to be a good neighbor.

Thanks again. I appreciate the follow up. Feel free to contact me if you have any additional questions.

Russ

On Thursday, January 5, 2017 2:54 PM, "Perry, Andrew (CPC)" <andrew.perry@sfgov.org> wrote:

Hello residents of Kenneth Rexroth Place,

About 6 months ago, I had received at least one email communication from each of you with concerns about the proposed theater use at 644 Broadway and their proposed use of Kenneth Rexroth Pl. If you believe there are others who should also receive this email, please feel free to forward it along to them.

As you may recall, with the approval of the project on July 28th of last year, there was a Condition of Approval that required staff to provide the Commission with an update memo at the 6-month point, as to how the operation has been working thus far.

Please use this opportunity to describe your experience with Boxcar over the last 6 months – whether there have been any issues or conflicts, whether you've approached Boxcar directly about those issues and if there was some resolution to them, or if the issues continue to persist.

I would appreciate your responses before next Friday, January 13th if at all

possible.

Thank you and I hope the new year is treating you all well,

Andrew Perry

Planner, NE Quadrant, Current Planning

Direct: [415-575-9017](tel:415-575-9017) | **Fax:** [415-558-6409](tel:415-558-6409)

**San Francisco
Planning**

1650 Mission Street, Suite
400

**SF Planning
Department**

San Francisco, CA 94103

[Hours of Operation](#) | [Property Information Map](#)



From: [Russell Wolking](#)
To: [Perry, Andrew \(CPC\)](#); raeowen@gmail.com; [David Copperman](#)
Subject: Re: Boxcar Theatre 6-month Check In
Date: Thursday, January 05, 2017 11:08:52 PM
Attachments: [image021.png](#)
[image017.png](#)
[image018.png](#)
[image019.png](#)
[image020.png](#)
[image015.png](#)
[image016.png](#)

Hey Andrew,

Thanks for following up! It's hard to answer your question at this point. Initially we had a ton of issues with the Boxcar Theatre Group and the Speakeasy. Their staff & security guards would talk very loud and smoke in the alleyway, which resulted in a disgusting amount of cigarette and other trash in the alley and made it hard to peacefully enjoy our home. They also would leave their trash bins out on the corner of Vallejo and Columbus for several days at a time, which resulted in them frequently overflowing with garbage. We emailed David Gluck on a number of occasions to ask him to do something about it, and he said that he talked to the staff, but it continued to be a recurring problem until Boxcar fired the security company they were using a couple of months ago, and posted a no-smoking sign. The past two months have been a little better, but in all honesty I think a big part is because they've been operating less frequently during the holidays.

Overall, I still would rather not have Boxcar use the alleyway. Frankly, it's a nuisance to us to have to walk by bouncers, have strangers wandering through our front yard, and to pick up their trash. I don't think its existence provides any benefit to the Kenneth Rexroth residents. I have yet to see them do anything to clean or maintain the alleyway like they said they would, which would be a huge help considering some of the trash comes from their staff and patrons, and that would be a neighborly thing to do. I also worry that turning my "front yard" into a bar entrance will decrease the value of my home. I might feel differently if they invested a little into the upkeep and beautification of the alley, but I'm not sure their willingness to do that. Their offer of free tickets to the show is nice, but really the community outreach hasn't gone far beyond that, and I can only speak for that being offered to myself by David G. At best, I'd offer them another 6 month conditional use with the request that they build off their recent improvements and try harder to be a good neighbor.

Thanks again. I appreciate the follow up. Feel free to contact me if you have any additional questions.

Russ

On Thursday, January 5, 2017 2:54 PM, "Perry, Andrew (CPC)" <andrew.perry@sfgov.org> wrote:

Hello residents of Kenneth Rexroth Place,

About 6 months ago, I had received at least one email communication from each of you with concerns about the proposed theater use at 644 Broadway and their proposed use of Kenneth Rexroth Pl. If you believe there are others who should also receive this email, please feel free to forward it along to them.

As you may recall, with the approval of the project on July 28th of last year, there was a Condition of Approval that required staff to provide the Commission with an update memo at the 6-month point,

as to how the operation has been working thus far.

Please use this opportunity to describe your experience with Boxcar over the last 6 months – whether there have been any issues or conflicts, whether you’ve approached Boxcar directly about those issues and if there was some resolution to them, or if the issues continue to persist.

I would appreciate your responses before next Friday, January 13th if at all possible.

Thank you and I hope the new year is treating you all well,

Andrew Perry

Planner, NE Quadrant, Current Planning

Direct: 415-575-9017 | **Fax:** 415-558-6409



1650 Mission Street, Suite 400
San Francisco, CA 94103

**SF Planning
Department**

[Hours of Operation](#) | [Property Information Map](#)



From: [Lam McNulty](#)
To: [Perry, Andrew \(CPC\)](#); raeowen@gmail.com; russellwolking@yahoo.com; [David Copperman](#); [Trista Yu](#); [Pei Wong Yan](#); [Celia](#)
Cc: planning@rodneyfong.com; [Richards, Dennis \(CPC\)](#); wordweaver21@aol.com; richhillissf@yahoo.com; [Johnson, Christine \(CPC\)](#); mooreurban@aol.com; cwu.planning@gmail.com; [Secretary, Commissions \(CPC\)](#)
Subject: RE: Boxcar Theatre 6-month Check In
Date: Wednesday, January 11, 2017 10:30:03 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

Andrew,

Thanks for your follow up email on this issue. For the last 6 months, we have had to live with increase use/traffic on our little dead end street, Kenneth Rexroth place. I can say it has not been pleasant, theater patrons standing around by the gate with some of them smoking near or in the alley. On several occasions the small gate was left open when I came home, my guess it was left open for late arriving patrons.

We still believe the 2 entrances on Broadway are better suited for theater access; patron arrival should happen there and not at the back door down a dead end alley. I am not sure if the city will listen to our concerns but since you sent the email and ask, my concern with access and safety are still the same as they were 6 months ago.

From: Perry, Andrew (CPC) [mailto:andrew.perry@sfgov.org]
Sent: Thursday, January 05, 2017 2:54 PM
To: raeowen@gmail.com; russellwolking@yahoo.com; David Copperman <david.copperman@gmail.com>; Trista Yu <tracyyu88@yahoo.com>; Lam McNulty <lmcnulty@flad.com>; Pei Wong Yan <peiwongyan@yahoo.com>; Celia <celiawu1997@gmail.com>
Subject: Boxcar Theatre 6-month Check In

Hello residents of Kenneth Rexroth Place,

About 6 months ago, I had received at least one email communication from each of you with concerns about the proposed theater use at 644 Broadway and their proposed use of Kenneth Rexroth Pl. If you believe there are others who should also receive this email, please feel free to forward it along to them.

As you may recall, with the approval of the project on July 28th of last year, there was a Condition of Approval that required staff to provide the Commission with an update memo at the 6-month point, as to how the operation has been working thus far.

Please use this opportunity to describe your experience with Boxcar over the last 6 months – whether there have been any issues or conflicts, whether you’ve approached Boxcar directly about

those issues and if there was some resolution to them, or if the issues continue to persist.

I would appreciate your responses before next Friday, January 13th if at all possible.

Thank you and I hope the new year is treating you all well,

Andrew Perry

Planner, NE Quadrant, Current Planning

Direct: 415-575-9017 | **Fax:** 415-558-6409

**SF Planning
Department**

1650 Mission Street, Suite 400
San Francisco, CA 94103

[Hours of Operation](#) | [Property Information Map](#)



From: [Pei Wong Yan](#)
To: [Perry, Andrew \(CPC\)](#); raeowen@gmail.com; russellwolking@yahoo.com; [David Copperman](#); [Trista Yu](#); [Lam McNulty](#); rick@colehardware.com; jamastrelli@gmail.com
Cc: planning@rodneyfong.com; [Richards, Dennis \(CPC\)](#); [Johnson, Christine \(CPC\)](#); richhillissf@yahoo.com; [Koppel, Joel \(CPC\)](#); [Melgar, Myrna \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Secretary, Commissions \(CPC\)](#)
Subject: Re: Boxcar Theatre 6-month Check In
Date: Thursday, January 12, 2017 1:39:29 AM
Attachments: [image016.png](#)
[image015.png](#)
[image018.png](#)
[image017.png](#)
[image020.png](#)
[image019.png](#)
[image021.png](#)

Hi Andrew and all Commissioners:

Thank you for your thoughtful for checking up the Alley Status again!
Enclose two videos:



IMG_9298[1].MOV

File via Dropbox



IMG_9299[1].MOV

File via Dropbox

These are employees of 644 Broadway, the slam sound is from them get in and out of the alley gate, smoking, taking, dancing...after their lunch, we can earn their left over food in the alley too(didn't through away everywhere yet, just keep it in the small whole on the wall, from this video you see the yellow is banana skin),one of our neighbor has been asked them, why don't they dance in their office, they said their office need to be quiet, they can't do it inside...

We have been enjoy to living in the peace, quiet and cleaning alley since 2003 city set up all the neighbors garbage cans CAN NOT allow store in the alley, 644 Broadway garbage need to pick up in their front door and their daily deliver have to be do it from the front street too, however our good dream broken by this new business, during the day, that's all kind of the people you will see in and out in our the alley, slam the gate or keep the gate open...smoking in the alley from their employees, door man...we are affair to open our window because of the noise and smoke, all kind of custom people get in the alley in the evening..night, our alley became a Halloween street; Their garbage 24/7 store in corner of 627 Vallejo st. and 371 Columbus st., nobody want to leave a garbage can in their front door, but funny they can store their can one block away neighbor's front door,,is that as they said"we

have money we have power" in the alley at June 12,2015,,
Do business should be use front door, the back door is for emergency use only, San Francisco is golden place, benefit yourself and harmful the others that's no the right way to do business,,,
As we know this alley is Unaccept street, no as they said public street, they still in the six month check in already have so many problem, we don't know what's happen next, please stop them to use this alley for business.
Thank you for your considering.

Pe

From: "Perry, Andrew (CPC)" <andrew.perry@sfgov.org>
To: "raeowen@gmail.com" <raeowen@gmail.com>; "russellwolking@yahoo.com" <russellwolking@yahoo.com>; David Copperman <david.copperman@gmail.com>; Trista Yu <tracyyu88@yahoo.com>; Lam McNulty <lmcnulty@flad.com>; Pei Wong Yan <peiwongyan@yahoo.com>; Celia <celiawu1997@gmail.com>
Sent: Thursday, January 5, 2017 2:54 PM
Subject: Boxcar Theatre 6-month Check In

com>; Lam McNulty <lmcnulty@flad.com>; Pei Wong Yan <peiwongyan@yahoo.com>; Celia <celiawu1997@gmail.com>

Sent: Thursday, January 5, 2017 2:54 PM
Subject: Boxcar Theatre 6-month Check In

Hello residents of Kenneth Rexroth Place,

About 6 months ago, I had received at least one email communication from each of you with concerns about the proposed theater use at 644 Broadway and their proposed use of Kenneth Rexroth Pl. If you believe there are others who should also receive this email, please feel free to forward it along to them.

As you may recall, with the approval of the project on July 28th of last year, there was a Condition of Approval that required staff to provide the Commission with an update memo at the 6-month point, as to how the operation has been working thus far.

Please use this opportunity to describe your experience with Boxcar over the last 6 months – whether there have been any issues or conflicts, whether you've approached Boxcar directly about those issues and if there was some resolution to them, or if the issues continue to persist.

I would appreciate your responses before next Friday, January 13th if at all possible.

Thank you and I hope the new year is treating you all well,

Andrew Perry
Planner, NE Quadrant, Current Planning
Direct: 415-575-9017 | **Fax:** 415-558-6409



1650 Mission Street, Suite 400
San Francisco, CA 94103

**SF Planning
Department**

[Hours of Operation](#) | [Property Information Map](#)



From: [Joe Mastrelli](#)
To: [Perry, Andrew \(CPC\)](#)
Subject: 644 Broadway
Date: Thursday, January 12, 2017 11:29:09 AM

Good morning Andrew, many concerns about 644 Broadway I think it's a complete joke and what they're doing and how they're running their business. Constant noise, litter and graffiti. Employees smoking and using the alley for their break room. When asked to go inside they say "the office needs to be quiet" so it's ok to use the alley for smoke breaks?? They are producing a large amount of garbage and they think it's OK for them to put their cans out in front of my store and around the corner and leave them there all day long!! They are so full they can't even be closed so homeless and people scavenging for cans make a constant mess. I am all for promoting new businesses in North Beach, but it has to be done properly, use your front door of your building for your business, you can't assume you can use your back door and Alley to make yourself look better when you are disrupting so many residents and your neighboring businesses. It will only get worse, conflicts will awry and I guarantee you I will end up throwing one of those garbage cans through the front door of their business. Please deny box car from using this alley. They can run their business perfectly fine using the front door on Broadway Street. We gave them a shot out of the goodness of our hearts to get along with our neighbors but it's apparent it will only get worse.

Thank you and contact me if you need more info.

Joe Mastrelli

Molinari Deli.

Sent from my iPhone

From: [Mandy](#)
To: [Perry, Andrew \(CPC\)](#)
Subject: Fwd: Fw: Boxcar Theatre 6-month Check In
Date: Thursday, January 12, 2017 1:10:44 PM
Attachments: [image015.png](#)
[image021.png](#)
[image017.png](#)
[image016.png](#)
[image019.png](#)
[image020.png](#)
[image018.png](#)

Andrew, thank you for following up on this issue.

In the past six months, there were many times when I came home after 8:00 Pm the gate was left open. I believe the gate was open for the theater's late arrival customers. The gate being left open makes me feel insecure because it makes our death end ally accessible to anyone who passes by which makes it unsafe for the residents in this ally. Especially for someone like me who have night school that comes home around 11:00 pm or the people who work for night shift. The ally is the only entrance for the residents in the Kenneth Rexroth place, while 644 Broadway has two other entrances. To ensure the safety of the residents in this ally, I strongly recommending the city to reconsidering to have 644 Broadway to use their two entrances in Broadway street only.

Thank You

----- Forwarded message -----

From: **Pei Wong Yan** <peiwongyan@yahoo.com>
Date: Thu, Jan 12, 2017 at 9:21 AM
Subject: Fw: Boxcar Theatre 6-month Check In
To: "christopheryu0606@gmail.com" <christopheryu0606@gmail.com>, Mandy Yu <mandyyu1111@gmail.com>, "cityevents2000@yahoo.com" <cityevents2000@yahoo.com>

----- Forwarded Message -----

From: Pei Wong Yan <peiwongyan@yahoo.com>
To: "Perry, Andrew (CPC)" <andrew.perry@sfgov.org>; "raeowen@gmail.com" <raeowen@gmail.com>; "russellwolking@yahoo.com" <russellwolking@yahoo.com>; David Copperman <david.copperman@gmail.com>; Trista Yu <tracyyu88@yahoo.com>; Lam McNulty <lmcnulty@flad.com>; Celia <celiawu1997@gmail.com>; "rick@colehardware.com" <rick@colehardware.com>; "jamastrelli@gmail.com" <jamastrelli@gmail.com>
Cc: "planning@rodneymfong.com" <planning@rodneymfong.com>; "dennis.richards@sfgov.org" <dennis.richards@sfgov.org>; "christine.d.johnson@sfgov.org" <christine.d.johnson@sfgov.org>; "richhillissf@yahoo.com" <richhillissf@yahoo.com>; "joel.koppel@sfgov.org" <joel.koppel@sfgov.org>; "myrna.melgar@sfgov.org" <myrna.melgar@sfgov.org>; "kathrin.moore@sfgov.org" <kathrin.moore@sfgov.org>; "Commissions.Secretary@sfgov.org" <Commissions.Secretary@sfgov.org>
Sent: Thursday, January 12, 2017 1:39 AM
Subject: Re: Boxcar Theatre 6-month Check In

Hi Andrew and all Commissioners:

Thank you for your thoughtful for checking up the Alley Status again!
Enclose two videos:



IMG_9298[1].MOV

File via Dropbox



IMG_9299[1].MOV

File via Dropbox

These are employees of 644 Broadway, the slam sound is from them get in and out of the alley gate, smoking, taking, dancing...after their lunch, we can earn their left over food in the alley too(didn't through away everywhere yet, just keep it in the small whole on the wall, from this video you see the yellow is banana skin),one of our neighbor has been asked them, why don't they dance in their office, they said their office need to be quiet, they can't do it inside...

We have been enjoy to living in the peace, quiet and cleaning alley since 2003 city set up all the neighbors garbage cans CAN NOT allow store in the alley, 644 Broadway garbage need to pick up in their front door and their daily deliver have to be do it from the front street too, however our good dream broken by this new business, during the day, that's all kind of the people you will see in and out in our the alley, slam the gate or keep the gate open...smoking in the alley from their employees, door man...we are affair to open our window because of the noise and smoke, all kind of custom people get in the alley in the evening..night, our alley became a Halloween street; Their garbage 24/7 store in corner of 627 Vallejo st. and 371 Columbus st., nobody want to leave a garbage can in their front door, but funny they can store their can one block away neighbor's front door,,is that as they said"we have money we have power" in the alley at June 12,2015,,

Do business should be use front door, the back door is for emergency use only, San Francisco is golden place, benefit yourself and harmful the others that's no the right way to do business,,,

As we know this alley is Unaccept street, no as they said public street, they still in the six month check in already have so many problem, we don't know what's happen next, please stop them to use this alley for business.

Thank you for your considering.

Pe

From: "Perry, Andrew (CPC)" <andrew.perry@sfgov.org>

To: "raeowen@gmail.com" <raeowen@gmail.com>; "russellwolking@yahoo.com" <russellwolking@yahoo.com>; David Copperman <david.copperman@gmail.com>; Trista Yu <tracyyu88@yahoo>

com>; Lam McNulty <lmcnulty@flad.com>; Pei Wong Yan <peiwongyan@yahoo.com>; Celia <celiawu1997@gmail.com>
Sent: Thursday, January 5, 2017 2:54 PM
Subject: Boxcar Theatre 6-month Check In

Hello residents of Kenneth Rexroth Place,

About 6 months ago, I had received at least one email communication from each of you with concerns about the proposed theater use at 644 Broadway and their proposed use of Kenneth Rexroth Pl. If you believe there are others who should also receive this email, please feel free to forward it along to them.

As you may recall, with the approval of the project on July 28th of last year, there was a Condition of Approval that required staff to provide the Commission with an update memo at the 6-month point, as to how the operation has been working thus far.

Please use this opportunity to describe your experience with Boxcar over the last 6 months – whether there have been any issues or conflicts, whether you've approached Boxcar directly about those issues and if there was some resolution to them, or if the issues continue to persist.

I would appreciate your responses before next Friday, January 13th if at all possible.

Thank you and I hope the new year is treating you all well,

Andrew Perry
Planner, NE Quadrant, Current Planning
Direct: [415-575-9017](tel:415-575-9017) | **Fax:** [415-558-6409](tel:415-558-6409)

San Francisco Planning
1650 Mission Street, Suite 400
San Francisco, CA 94103
SF Planning Department
[Hours of Operation](#) | [Property Information Map](#)



From: [M.N](#)
To: [Perry, Andrew \(CPC\)](#); [Rae Owen](#); [David Copperman](#); [Russell Wolking](#); [Joe Molinari](#); [Lam McNulty](#); [Mandy Yu](#); [Trista Yu](#); [Pei Wong Yan](#); [celiawu1997@gmail.com](#); [rich@colehardware.com](#)
Subject: Boxcar Theatre 6-month Check I
Date: Thursday, January 12, 2017 3:55:26 PM

To whom may concert:

Enclose some of the picture, it's has been stay in Vallejo & Columbus Corner lots of time couple days 24/7, those garbage is from 644 Broadway Street, Broadway street city have big planing to beauty, we are street mess up by one block away 644 Broadway's Building... since they open we don't feel save and quiet any more,,,every day have stranger face in and out of our alley, door man smoking at the door all the time, sometime keep the gate open,slam the gate, when we walk through the gate smell terrible and feel uncomfortable... go through the street map, this alley is for building of lot #21.22.23.24, no for 644 Broadway, this is NO PUBLIC STREET before 2003 we call city for street cleaning, DPW told us we need to do cleaning by ourselves, why now is back to "public street", do business is use front door, no back door, as everyone knows their back door only for emergency use only. THEY THINK THEY HAVE MONEY THEY HAVE POWER, I think we still have RUL in the world.

Thank you
M.

From: [Trista Yu](#)
To: [Perry, Andrew \(CPC\)](#); [Rae Owen](#); [David Copperman](#); [Russell Wolking](#); [Pei Wong Yan](#); [Lam McNulty](#); [Celia Mandy Yu](#); [Joe Molinari](#); rich@colehardware.com
Subject: Re: Boxcar Theatre 6-month Check In
Date: Friday, January 13, 2017 12:30:07 AM
Attachments: [image015.png](#)
[image016.png](#)
[image017.png](#)
[image018.png](#)
[image019.png](#)
[image020.png](#)
[image021.png](#)

Hi Andrew,

Thank you for check back. I still want to finish the questions I want to ask in the hearing but I didn't have chance:

- 1.This alley is unacceptable street, however in hearing was keep saying "Public Street";
2. We only have one meeting before, that was July 13, 2015 5pm at DPW 1155 Market St. we never have meeting at March, 2015. they requested the key is for delivery some of big equipment during the construction; Except lot # 24 building on owner was vacation didn't show up, we have five of residences from lot 22, and 23 of building attended the meeting. We agreed to give them the key because we don't want the DPW to remove the gate.
3. According from the lot map, this alley because have lot #21,22,23 & 24, as all residences in the alley knew, this from year of 2003, DPW, health department(including former district 3 Supervisor Aaron Peskin) already set up 644 Broadway have to be do their daily deliver and pick up their garbage in Broadway Street, how come right now they can have rights 24/7 store the garbage on one block away Vallejo & Columbus street(can offer pics.):
- 4.We have been enjoying to living in the peace and quiet alley since city help us got approve to installed the gate, however, since their business open, we woke up at midnight from their taking trust cans one block out of their street, their employees in and out slam the gate sound,all kind of the custom stranger customer get in the alley, smoking..scar door man... right now they still haven't finishing construction yet, I don't know when it's compliant, how terrible this alley will be...

Great Aaron Peskin still the same Supervisor as the year of 2003, I believer he still remember this alley he had came over and worked with us at that time, Broadway street need to be beauty, Kenneth Rexroth place, Vallejo & Columbus no only need a beauty, we also need peace, clean, quiet and safe street also. Please DO NOT let our alley became a "public street and stranger street", Do business please have them us their front DOOR, the back door is for emergence us only.

Thank you for your help

Trista

Thank you

Trista

The link found from the hearing at. wet.

[/http://commissions.sfplanning.org/cpcpackets/2016-004115CUA.pdf](http://commissions.sfplanning.org/cpcpackets/2016-004115CUA.pdf)

<IMG_9297[1].JPG>

From: "Perry, Andrew (CPC)" <andrew.perry@sfgov.org>
To: "raeowen@gmail.com" <raeowen@gmail.com>; "russellwolking@yahoo.com" <russellwolking@yahoo.com>; David Copperman <david.copperman@gmail.com>; Trista Yu <tracyyu88@yahoo.com>; Lam McNulty <lmcnulty@flad.com>; Pei Wong Yan <peiwongyan@yahoo.com>; Celia <celiawu1997@gmail.com>
Sent: Thursday, January 5, 2017 2:54 PM
Subject: Boxcar Theatre 6-month Check In

Hello residents of Kenneth Rexroth Place,

About 6 months ago, I had received at least one email communication from each of you with concerns about the proposed theater use at 644 Broadway and their proposed use of Kenneth Rexroth Pl. If you believe there are others who should also receive this email, please feel free to forward it along to them.

As you may recall, with the approval of the project on July 28th of last year, there was a Condition of Approval that required staff to provide the Commission with an update memo at the 6-month point, as to how the operation has been working thus far.

Please use this opportunity to describe your experience with Boxcar over the last 6 months – whether there have been any issues or conflicts, whether you've approached Boxcar directly about those issues and if there was some resolution to them, or if the issues continue to persist.

I would appreciate your responses before next Friday, January 13th if at all possible.

Thank you and I hope the new year is treating you all well,

Andrew Perry
Planner, NE Quadrant, Current Planning
Direct: 415-575-9017 | **Fax:** 415-558-6409



1650 Mission Street, Suite 400
San Francisco, CA 94103

From: [Pei Wong Yan](#)
To: [Trista Yu](#); [Perry, Andrew \(CPC\)](#); [Rae Owen](#); [David Copperman](#); [Russell Wolking](#); [Lam McNulty](#); [Celia](#); [Mandy Yu](#); [Joe Molinari](#); [rick@colehardware.com](#); [M. N.](#)
Cc: [planning@rodnefong.com](#); [Richards, Dennis \(CPC\)](#); [Johnson, Christine \(CPC\)](#); [richhillissf@yahoo.com](#); [Secretary, Commissions \(CPC\)](#); [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Melgar, Myrna \(CPC\)](#)
Subject: Re: Boxcar Theatre 6-month Check In
Date: Friday, January 13, 2017 12:54:14 PM
Attachments: [image021.png](#)
[image020.png](#)
[image015.png](#)
[image019.png](#)
[image018.png](#)
[image017.png](#)
[image016.png](#)

Yes, we need to live in a clean, peace, save and quiet street, we are looking forward to have Broadway street project finish, however DO NOT wish our Kenneth Rexroth became to " money and powerful victims" death corner. This small alley has been over 100 years, this is the only entrance for Kenneth Rexroth...thank you for your considering

From: Trista Yu <tracyyu88@yahoo.com>
To: "Perry, Andrew (CPC)" <andrew.perry@sfgov.org>; Rae Owen <raeowen@gmail.com>; David Copperman <david.copperman@gmail.com>; Russell Wolking <russellwolking@yahoo.com>; Pei Wong Yan <peiwongyan@yahoo.com>; Lam McNulty <lmcnulty@flad.com>; Celia <celiawu1997@gmail.com>; Mandy Yu <mandyyu1111@gmail.com>; Joe Molinari <jamastrelli@gmail.com>; "rich@colehardware.com" <rich@colehardware.com>
Sent: Friday, January 13, 2017 12:30 AM
Subject: Re: Boxcar Theatre 6-month Check In

Hi Andrew,

Thank you for check back. I still want to finish the questions I want to ask in the hearing but I didn't have chance:

- 1.This alley is unacceptable street, however in hearing was keep saying "Public Street";
2. We only have one meeting before, that was July 13, 2015 5pm at DPW 1155 Market St. we never have meeting at March, 2015. they requested the key is for delivery some of big equipment during the construction; Except lot # 24 building on owner was vacation didn't show up, we have five of residences from lot 22, and 23 of building attended the meeting. We agreed to give them the key because we don't want the DPW to remove the gate.
3. According from the lot map, this alley because have lot #21,22,23 & 24, as all residences in the alley knew, this from year of 2003, DPW, health department(including former district 3 Supervisor Aaron Peskin) already set up 644 Broadway have to be do their daily deliver and pick up their garbage in Broadway Street, how come right now they can have rights 24/7 store the garbage on one block

away Vallejo & Columbus street(can offer pics.):

4. We have been enjoying to living in the peace and quiet alley since city help us got approve to installed the gate, however, since their business open, we woke up at midnight from their taking truck cans one block out of their street, their employees in and out slam the gate sound, all kind of the custom stranger customer get in the alley, smoking..scar door man... right now they still haven't finishing construction yet, I don't know when it's compliant, how terrible this alley will be...

Great Aaron Peskin still the same Supervisor as the year of 2003, I believe he still remember this alley he had came over and worked with us at that time, Broadway street need to be beauty, Kenneth Rexroth place, Vallejo & Columbus no only need a beauty, we also need peace, clean, quiet and safe street also. Please DO NOT let our alley became a "public street and stranger street", Do business please have them use their front DOOR, the back door is for emergency use only.

Thank you for your help

Trista

Thank you

Trista

The link found from the hearing at. wet.

[/http://commissions.sfplanning.org/cpcpackets/ 2016-004115CUA.pdf](http://commissions.sfplanning.org/cpcpackets/2016-004115CUA.pdf)

<IMG_9297[1].JPG>

From: "Perry, Andrew (CPC)" <andrew.perry@sfgov.org>

To: "raeowen@gmail.com" <raeowen@gmail.com>; "russellwolking@yahoo.com" <russellwolking@yahoo.com>; David Copperman <david.copperman@gmail.com>; Trista Yu <tracyyu88@yahoo.com>; Lam McNulty <lmcnulty@flad.com>; Pei Wong Yan <peiwongyan@yahoo.com>; Celia <celiawu1997@gmail.com>

Sent: Thursday, January 5, 2017 2:54 PM

Subject: Boxcar Theatre 6-month Check In

Hello residents of Kenneth Rexroth Place,

About 6 months ago, I had received at least one email communication from each of you with concerns about the proposed theater use at 644 Broadway and their proposed use of Kenneth Rexroth Pl. If you believe there are others who should also receive this email, please feel free to forward it along to them.

As you may recall, with the approval of the project on July 28th of last year, there was a Condition of Approval that required staff to provide the Commission with an update memo at the 6-month point, as to how the operation has been working thus far.

Please use this opportunity to describe your experience with Boxcar over the last 6 months – whether there have been any issues or conflicts, whether you’ve approached Boxcar directly about those issues and if there was some resolution to them, or if the issues continue to persist.

I would appreciate your responses before next Friday, January 13th if at all possible.

Thank you and I hope the new year is treating you all well,

Andrew Perry

Planner, NE Quadrant, Current Planning

Direct: 415-575-9017 | **Fax:** 415-558-6409



1650 Mission Street, Suite 400
San Francisco, CA 94103

**SF Planning
Department**

[Hours of Operation](#) | [Property Information Map](#)



From: celiawu1997@gmail.com
To: [Lam McNulty](#)
Cc: [Perry, Andrew \(CPC\)](#); raeowen@gmail.com; russellwolking@yahoo.com; [David Copperman](#); [Trista Yu](#); [Pei Wong Yan](#); planning@rodneyfong.com; [Richards, Dennis \(CPC\)](#); wordweaver21@aol.com; richhillissf@yahoo.com; [Johnson, Christine \(CPC\)](#); mooreurban@aol.com; cwu.planning@gmail.com; [Secretary, Commissions \(CPC\)](#)
Subject: Re: Boxcar Theatre 6-month Check In
Date: Wednesday, January 11, 2017 10:47:33 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image006.png](#)
[image008.png](#)

I strongly agreed! Besides, it's scary that someone with long coat and hat stands in front of your house smoking and watching you when you walk by. I didn't mean to criticize his dressing but ...

We really want to have our quiet and safe back.

Thank you
Sent from my iPhone

On Jan 11, 2017, at 10:29 AM, Lam McNulty <lmcnulty@flad.com> wrote:

Andrew,

Thanks for your follow up email on this issue. For the last 6 months, we have had to live with increase use/traffic on our little dead end street, Kenneth Rexroth place. I can say it has not been pleasant, theater patrons standing around by the gate with some of them smoking near or in the alley. On several occasions the small gate was left open when I came home, my guess it was left open for late arriving patrons.

We still believe the 2 entrances on Broadway are better suited for theater access; patron arrival should happen there and not at the back door down a dead end alley. I am not sure if the city will listen to our concerns but since you sent the email and ask, my concern with access and safety are still the same as they were 6 months ago.

From: Perry, Andrew (CPC) [<mailto:andrew.perry@sfgov.org>]

Sent: Thursday, January 05, 2017 2:54 PM

To: raeowen@gmail.com; russellwolking@yahoo.com; [David Copperman](#) <david.copperman@gmail.com>; [Trista Yu](#) <tracyyu88@yahoo.com>; [Lam McNulty](#) <lmcnulty@flad.com>; [Pei Wong Yan](#) <peiwongyan@yahoo.com>; [Celia](#) <celiawu1997@gmail.com>

Subject: Boxcar Theatre 6-month Check In

Hello residents of Kenneth Rexroth Place,

About 6 months ago, I had received at least one email communication from each of you with concerns about the proposed theater use at 644 Broadway and their

proposed use of Kenneth Rexroth Pl. If you believe there are others who should also receive this email, please feel free to forward it along to them.

As you may recall, with the approval of the project on July 28th of last year, there was a Condition of Approval that required staff to provide the Commission with an update memo at the 6-month point, as to how the operation has been working thus far.

Please use this opportunity to describe your experience with Boxcar over the last 6 months – whether there have been any issues or conflicts, whether you’ve approached Boxcar directly about those issues and if there was some resolution to them, or if the issues continue to persist.

I would appreciate your responses before next Friday, January 13th if at all possible.

Thank you and I hope the new year is treating you all well,

Andrew Perry

Planner, NE Quadrant, Current Planning

Direct: 415-575-9017 | **Fax:** 415-558-6409

<!--[if !vml]-->



1650 Mission Street, Suite 400
San Francisco, CA 94103

<!--[endif]-->

**SF Planning
Department**

[Hours of Operation](#) | [Property Information Map](#)



[<image005.png>](#)



[<image007.png>](#)



This page intentionally left blank.

From: [David Copperman](#)
To: [Perry, Andrew \(CPC\)](#); [Trista Yu](#); [Rae Owen](#); [Russell Wolking](#)
Subject: Re: 644 Broadway Check-in Hearing
Date: Thursday, March 16, 2017 2:24:19 PM
Attachments: [image005.png](#)
[image003.png](#)
[image007.png](#)
[image006.png](#)
[image008.png](#)
[image004.png](#)
[image002.png](#)

Hi Andrew,

I never weighed in on the topic. I want to give Boxcar the benefit of the doubt, however after this morning's discussion with Boxcar, I feel obliged to chime in as well.

The management and staff at Boxcar is genuinely rude and un-neighborly. disregarding the fact that they smoke and leave trash in the alley, that they are noisy after set hours of operation, that they do not have an attendant at both the street gate and their gate (they have 1 attendant typically), and that they don't need the back alley as a means of entrance: it bothers me the most that they disrespect their neighbors.

It's as if we are some sort of nuisance to them that we exist. That they have money and we are in their way. Every interaction with David Gluck is condescending, threatening with legal process, and unpleasant.

Cole's store just opened up and every issue that we have they immediately address, they are polite, professional, and come to a resolution WITH their neighbors; bettering the neighborhood.

Boxcar Theatre in my opinion makes the neighborhood worse, and makes it unpleasant to deal with our neighbors.

On April 6 I will be present to request that Boxcar lose their privilege to our Front Door.

Thanks Andrew,

David

On Wed, Feb 15, 2017 at 12:23 PM, Perry, Andrew (CPC)
<andrew.perry@sfgov.org> wrote:

Hello again residents and neighbors of Kenneth Rexroth Place,

My update memo regarding Boxcar Theater went to the Commission last week, and the Commission did request a full follow-up hearing on these issues to take place at a forthcoming hearing. This hearing would not require any public notification, and the item would go near the beginning of the agenda, under Commission Matters.

The Commission Secretary has indicated that it could be possible to schedule this for next week's (2/23) hearing. Before confirming that date, however, I wanted to make sure that that would work for all of you.

If that date is not convenient for you, please let me know your availability for other upcoming hearing dates, which I will list here. Please just let me know which ones you would not be able to attend: 2/23, 3/2, 3/9, 3/16, 3/23, 4/6, 4/13, and 4/27.

I realize that it may not be possible to have every single person in attendance, but if there appears to be a majority that can attend on a certain date, I will move forward in that regard, and I will certainly confirm with you all here when a date has been finalized.

Please respond as soon as possible.

Thank you,

Andrew Perry

Planner, NE Quadrant, Current Planning

Direct: [415-575-9017](tel:415-575-9017) | Fax: [415-558-6409](tel:415-558-6409)



1650 Mission Street, Suite
400
San Francisco, CA 94103

**SF Planning
Department**

[Hours of Operation](#) | [Property Information Map](#)



From: [David Gluck](#)
To: [Russell Wolking](#)
Cc: [David Copperman](#); [Rae Owen](#); [Trista Yu](#); [Perry, Andrew \(CPC\)](#)
Subject: Re: Smoking in the alley
Date: Monday, March 20, 2017 11:55:48 AM

Russell, I appreciate the points you made and I would prefer that we all work together to create a good environment for everyone who uses the alley. The problem right now is that David insists on adopting an air of authority that he simply does not possess, and as a result he comes off as an antagonistic bully. He is in the habit of sending me messages that start with the words "You have to do ..." or "You must ...". I assure you that he would get a very different response if he tried a little common courtesy, and worked the word "please" back into his vocabulary. In contrast, I have always found that you are an easygoing person and someone who demonstrates the importance of mutual respect. I appreciate that.

There is a simple way for us to get on the same page. Take me up on my offer, and let me buy you a drink. Come see our show. When a neighbor invites you into their home, and you turn them down, what message does that send? And then all you hear from them is complaints? As long as the alley residents as a group prefer to maintain an adversarial posture with the theater, you will find that I am ready to meet you in kind. You want to work together, let's work together.

Regarding your last point, our security staff does not have the legal authority to physically intervene with anyone using the alley, regardless of whether the person is our customer or not. There have been times when patrons have pushed past our security, and we have to let them go,, we cannot physically restrain them unless there is a threat of actual danger to person or property. We can tell them it's illegal to smoke, we can even tell them that we are obligated to report to SFPD that they are smoking illegally, but we cannot take the cigarette out of their hand. That's why it is "so hard" to enforce. Our security staff are not a legal "enforcement" entity.

If the alley residents don't believe in working together, and insist that they are entitled to direct what happens in the alley, and then seek to scapegoat Boxcar when they don't get what they want, then we will not hesitate to lobby for removal of the gate.

David Gluck
Producer & General Manager
"The Speakeasy"
415-828-2301

On Mon, Mar 20, 2017 at 11:26 AM, <russellwolking@yahoo.com> wrote:

Hi David G,

As the alley is the only way for us to enter our homes, it is essentially our front door. The gate was put there to protect our homes and the local businesses from crime and trashing that had previously occurred due to its location off the busiest street in North Beach. We purchased our home on the premise the gate provides us with a safe place to live and I don't appreciate your threats to try to remove it. I also don't see what is so hard about enforcing a city rule that no one smoke in the alley, and to clean up after yourself.

Thank you,

Russ

On Mar 18, 2017, at 8:36 PM, David Gluck <dlgluck@gmail.com> wrote:

I will emphasize to security that they should remind patrons not to smoke when walking from the outer gate to the inner gate.

Rexroth Alley is NOT your front door. Please disabuse yourself of that delusion. It is a public street. My house is similarly situated on a public street and occasionally things happen on my street that I find a nuisance.

You have adopted a false sense of entitlement due to the presence of the illegal gate at the end of the alley. It seems to me that removal of the gate would help put you on an even playing field with all the rest of us who live in the city.

David Gluck
Producer & General Manager
"The Speakeasy"
[415-828-2301](tel:415-828-2301)

On Sat, Mar 18, 2017 at 8:23 PM, David Copperman
<david.copperman@gmail.com> wrote:

David,

Your security needs to enforce the no smoking in the alley by your patrons. I had to request 2 separate individuals to refrain. They then threw their cigarette butts in the alley.

You promised to clean the alley during operating nights. I would request you home that and ask your security detail to help with the smoking and trash problem. This is our front door. We are beyond frustrated.

David