

File No. 090851

Committee Item No. 3

Board Item No. 1

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: City Operations & Neighborhood Ser. Date September 14, 2009

Board of Supervisors Meeting

Date 9/22/09

Cmte Board

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Public Correspondence |

OTHER

(Use back side if additional space is needed)

<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____

Completed by: Victor Young

Date September 11, 2009

Completed by: Victor Young

Date 9/15/09

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

90/22/p

1 [Liquor License, 533 Sutter Street]

2
3 **Resolution determining that the issuance of a Type 42 on-sale beer and wine**
4 **license to Matthew Shelton, for Shelton Theater LLC, located at 533 Sutter Street,**
5 **will serve the public convenience or necessity of the people of the City and**
6 **County of San Francisco, in accordance with Section 23958.4 of the California**
7 **Business and Professions Code, with conditions.**

8
9 WHEREAS, Matthew Shelton is seeking issuance of a Type 42 on-sale beer and
10 wine license for Shelton Theater LLC, located at 533 Sutter St.; and,

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

13 WHEREAS, The Police Department recommends that the liquor license
14 application be approved with conditions; now, therefore, be it

15 RESOLVED, That in accordance with Section 23958.4 of the California Business
16 and Professions Code, the Board of Supervisors of the City and County of San
17 Francisco hereby determines for the foregoing reasons that the issuance of a Type 42
18 on-sale beer and wine license, to Matthew Shelton for Shelton Theater, located at
19 533 Sutter St. will serve the public convenience or necessity of the people of the City
20 and County of San Francisco.

21 Conditions: (1) The license is for the sale, service, and consumption of alcoholic
22 beverages in the lower level only per ABC (275 form) diagram dated 7/28/2009; (2)
23 Sales, service, and consumption of alcoholic beverages shall be permitted only between
24 the hours of 6:00 p.m. to 12:00 midnight on Theater performance nights only; (3) No
25 noise shall be audible beyond the area under the control of the licensee(s); (4) No

1 person under the age of twenty-one (21 years of age) shall sell, furnish, or deliver
2 alcoholic beverages; (5) Graffiti shall be removed from the premises and all parking lots
3 under the control of the licensee within 72 hours of application. If the graffiti occurs on
4 a Friday or weekend day, or a holiday, the licensee shall remove the graffiti within 72
5 hours following the beginning of the next weekday; (6) The petitioner(s) shall be
6 responsible for maintaining free of litter the area adjacent to the premises over which
7 they have control; (7) The sale of alcoholic beverages for off-sale consumption is strictly
8 prohibited.

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San Francisco Police Department
Vice Crimes Division

Alcoholic Beverage License

District: 3

To: The San Francisco Board of Supervisors' Committee on City Operations
& Neighborhood Services

**Supervisor Bevan Dufty
Supervisor Chris Daly
Supervisor Sean Elsbernd**

From: Inspector Dave Falzon 
Vice Crimes Division 415/970-3057

Date: September 11, 2009

Subject: P.C.N. Investigation Regarding: Shelton Theater, LLC
Mr. Matthew Shelton
533 Sutter Street
433-1226

Mr. Matthew Shelton on behalf of the Shelton Theater, LLC has filed an application with the California Department of Alcoholic Beverage Control seeking a Type 42 (On-Sale Beer & Wine) license for 533 Sutter Street (located between Mason Street and Powell Street).

Proposed Hours of Operation:

Sunday	11:00 a.m. – 10:00 p.m.
Monday – Thursday	9:00 a.m. – 10:00 p.m.
Friday – Saturday	9:00 a.m. – 11:30 p.m.

If approved, this license will allow the applicant(s) serve on-sale beer and wine. This premises is currently open and operating as a live performance theater.

Letters of Protest:

No record

Letters of Support:

No Record

Police Calls for Service:

From May 11, 2009 to September 11, 2009

2

Police Reports:

From September 11, 2008 to September 11, 2009

4

San Francisco Plot Information:

This premise is located in Plot 166

759 Police Reports were recorded for this plot in 2009

This plot is 538 Police Report(s) over the citywide average (plus 20%) of 221 Police Reports.

State Census Tract Information:

This premise is located in Census Tract 0121

Population for this tract is: 3462

On-sale license authorized by census tract: 11
Active on-sale licenses: 53 with 1 pending

Off-sale licenses authorized by census tract: 4
Active off-sale licenses: 12 with 1 pending

District Station Recommendation:

Central Police Station recommendation: *Approval w/conditions*

Vice Crime Division Recommendation:

Points of consideration:

APPROVAL w/conditions recommendation forwarded by **Central Police Station**.

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

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

No Record letters of protest.

No Record letters of support.

Vice Crimes Division concurs with the **APPROVAL w/conditions** recommendation forwarded by **Central Police Station**.

Proposed Conditions:

This license is for the sale, service, and consumption of alcoholic beverages in the lower level only per ABC (275 form) diagram dated 07/28/2009.

Sales, service, and consumption of alcoholic beverages shall be permitted only between the hours of 6:00 p.m. to 12:00 midnight on Theater performance nights only.

No noise shall be audible beyond the area under the control of the licensee(s).

No person under the age of twenty-one (21 years of age) shall sell, furnish, or deliver alcoholic beverages.

Graffiti shall be removed from the premises and all parking lots under the control of the licensee within 72 hours of application. If the graffiti occurs on a Friday or weekend day, or on a holiday, the licensee shall remove the graffiti within 72 hours following the beginning of the next weekday.

The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.

The sale of Alcoholic beverages for off-sale consumption is strictly prohibited.

end.

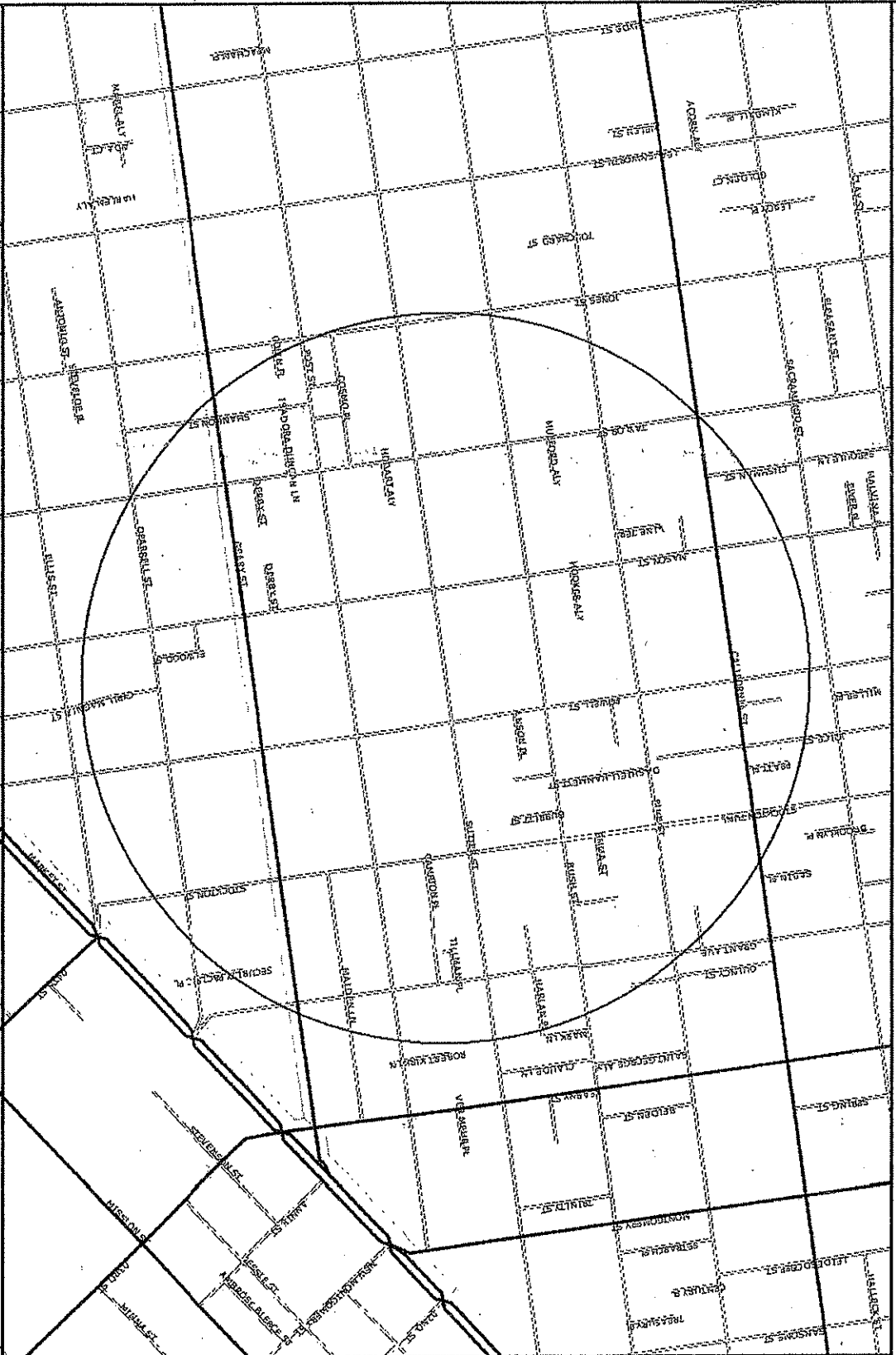
Records 1 through 4 of 4

Call No	Report No	Received Date	Received Time	Priority	Call Type	Unit ID	Disposition	Location
<u>092032518</u>		07/22/2009	15:11:49	A	532	3A2C	HAN	533 SUTTER ST
<u>091363417</u>		05/16/2009	19:57:57	A	222	3A	HAN	533 SUTTER ST
<u>091143449</u>		04/24/2009	19:19:43	C	903	3B90	HAN	533 SUTTER ST
<u>090894317</u>		03/30/2009	23:18:27	B	905	3A12E	HAN	533 SUTTER ST

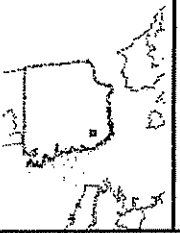
End of document

533 Sutter Street

Insp. Falzon



Contents of this map are Copyright 2003, San Francisco Police Department, and may not be reproduced without prior written permission.
WARNING: This map does not meet national map accuracy standards and cannot be used for engineering purposes.











Legend

- Major Streets
- Streets
- Police Plots





U.S. Census Bureau
American FactFinder

Legend

Boundaries

-  State
-  '00 County
-  '00 Census Tract
-  '00 Block Group
-  '00 Block
-  '00 Place
-  '00 Urban Area
-  '00 Urban Area

Features

-  Major Road
-  Street
-  Stream/Waterbody
-  Stream/Waterbody

Street Address found: 5



Aug. 4. 2009 11:34AM

No. 1160 P. 1

LIQUOR LICENSE REVIEW

TO: Planning Department
 AnMarie Rodgers/CTYPLN/SFGOV
 Georgia Powell/CTYPLN/SFGOV@SFGOV
 Fax 558-6409

File: 090851

Block/lot: 0296/013D
Zoning: C-3-R
Quadr: NE
Map # 0900730

TO: Inspector Dave Falzon
 Police Department
 Fax 970-3088

DATE: July 15, 2009

This item is scheduled to be heard at a meeting on August 10, 2009. PLEASE E-MAIL AND FAX YOUR RESPONSE BY: August 3, 2009 to Victor Young, Clerk of the City Operations and Neighborhood Services Committee. Victor.Young@sfgov.org - Fax No: 554-7714

Applicant Name: Matthew Shelton
& Business Name: Shelton Theater Limited Liability Company
Applicant Address: 533 Sutter Street (District 3)
& Phone No. 415 433-1226

PLANNING COMMENTS: Approval Denial

permitted per PC code section 214(b)

[Signature]
 Rick Crowder 8/4/09

POLICE COMMENTS: Approval Denial

6/29/09

File 090851

CLERK of Board of Supervisors

ANGELA CALVILLIO

#1 DL CARLTON B. GOODLET PL #244

SF, CA 94102

RECEIVED
BOARD OF SUPERVISORS
CLERK CALVILLIO
2009 JUL -2 AM 11:28
BY AKC

DEAR BOARD of Supervisors:

I have an established theater AT 533 SUTTER ST. CALLED THE Shelton Theater. Our family has been creating theater in the community since 1947. Our patrons, whom come to witness literary based theater productions, would enjoy a glass of beer or wine before the show. WE ARE REQUESTING THE RIGHT to sell BEER and WINE AT our CONCESSION STAND to offer better customer service in a professional environment. THIS ENHANCEMENT to their 'EVENING OUT' AT THE THEATER REFLECTS ON THE professionalism of our FINE ARTS ESTABLISHMENT AND THEIR IMPRESSIONS OF SAN FRANCISCO AS A WORLD CLASS TOURIST DESTINATION.

Respectfully, MATTHEW SHELTON, OWNER SHELTON THEATRE, LLC

INFORMATION AND INSTRUCTIONS -

SECTION 23958.4 B&P

Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.

- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
- Part 2 is to be completed by the applicant, and returned to ABC.
- Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

PART 1 - TO BE COMPLETED BY ABC

APPLICANT'S NAME
SHELTON THEATER LIMITED LIABILITY COMPANY

PREMISES ADDRESS (Street number and name, city, zip code)
533 SWITER ST. SAN FRANCISCO, CA 94102-1127

3. LICENSE TYPE
42

TYPE OF BUSINESS

<input checked="" type="checkbox"/> Full Service Restaurant	<input type="checkbox"/> Hofbrau/Cafeteria	<input type="checkbox"/> Cocktail Lounge	<input type="checkbox"/> Private Club
<input type="checkbox"/> Deli or Specialty Restaurant	<input type="checkbox"/> Comedy Club	<input type="checkbox"/> Night Club	<input type="checkbox"/> Veterans Club
<input type="checkbox"/> Cafe/Coffee Shop	<input type="checkbox"/> Brew Pub	<input type="checkbox"/> Tavern: Beer	<input type="checkbox"/> Fraternal Club
<input type="checkbox"/> Bed & Breakfast:	<input checked="" type="checkbox"/> Theater	<input type="checkbox"/> Tavern: Beer & Wine	<input type="checkbox"/> Wine Tasting Room
<input type="checkbox"/> Wine only	<input type="checkbox"/> All		

<input type="checkbox"/> Supermarket	<input type="checkbox"/> Membership Store	<input type="checkbox"/> Service Station	<input type="checkbox"/> Swap Meet/Flea Market
<input type="checkbox"/> Liquor Store	<input type="checkbox"/> Department Store	<input type="checkbox"/> Convenience Market	<input type="checkbox"/> Drive-in Dairy
<input type="checkbox"/> Drug/Variety Store	<input type="checkbox"/> Florist/Gift Shop	<input type="checkbox"/> Convenience Market w/Gasoline	
<input type="checkbox"/> Other - describe:			

COUNTY POPULATION 3462	6. TOTAL NUMBER OF LICENSES IN COUNTY <input type="checkbox"/> On-Sale <input type="checkbox"/> Off-Sale	7. RATIO OF LICENSES TO POPULATION IN COUNTY <input type="checkbox"/> On-Sale <input type="checkbox"/> Off-Sale
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CENSUS TRACT NUMBER 0121	9. NO. OF LICENSES ALLOWED IN CENSUS TRACT 11 <input checked="" type="checkbox"/> On-Sale <input type="checkbox"/> Off-Sale	10. NO. OF LICENSES EXISTING IN CENSUS TRACT 53 <input checked="" type="checkbox"/> On-Sale <input type="checkbox"/> Off-Sale
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1. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)

Yes, the number of existing licenses exceeds the number allowed **3 X PUB**

No, the number of existing licenses is lower than the number allowed

2. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

Yes (Go to Item #13) No (Go to Item #20)

3. CRIME REPORTING DISTRICT NUMBER 166	14. TOTAL NUMBER OF REPORTING DISTRICTS 654	15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS 20,367
5. AVERAGE NO. OF OFFENSES PER DISTRICT 184	17. 120% OF AVERAGE NUMBER OF OFFENSES 221	18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT 759

3. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)

Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17 **PC & N**

No, the total number of offenses in the reporting district is lower than the total number in item #17

1. CHECK THE BOX THAT APPLIES (check only one box)

a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.

b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.

c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

BOARD OF SUPERVISORS

Governing Body/Designated Subordinate Name: _____

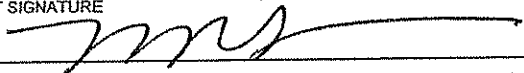
OR DEPARTMENT USE ONLY
PREPARED BY (Name of Department Employee)
[Signature] **6/2/09**

PART 2 - TO BE COMPLETED BY THE APPLICANT (If box #20b is checked)

1. Based on the information on the reverse, the Department may approve your application if you can show that public convenience or necessity would be served by the issuance of the license. Please describe below the reasons why issuance of another license is justified in this area. You may attach a separate sheet or additional documentation, if desired. Do not proceed to Part 3.

The Shelton Theater provides Quality theater productions of Literary based plays to the community and has done so for the last 15 years at its present location. Our patrons would and have enjoyed a glass of beer or wine before attending the show as our license inadvertently expired and I was instructed to re-apply from the beginning. The Shelton Theater is not a drinking establishment but rather a place where locals + tourists gather to witness a professional theater show and concessions need to be professional

APPLICANT SIGNATURE



23. DATE SIGNED

6-29-09

PART 3 - TO BE COMPLETED BY LOCAL OFFICIALS (If box #20c is checked)

If applicant named on the reverse is applying for a license to sell alcoholic beverages at a premises where undue concentration exists (i.e., an over-concentration of licenses and/or a higher than average crime rate as defined in Section 23958.4 of the Business and Professions Code). Sections 23958 and 23958.4 of the Business and Professions Code requires the Department to deny the application unless the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, certifies within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. Please complete items #24 to #30 below and certify or affix an official seal, or attach a copy of the Council or Board resolution or a signed letter on official letterhead stating whether or not the issuance of the applied for license would serve as a public convenience or necessity.

24. WILL PUBLIC CONVENIENCE OR NECESSITY BE SERVED BY ISSUANCE OF THIS ALCOHOLIC BEVERAGE LICENSE?

Yes No See Attached (i.e., letter, resolution, etc.)

25. ADDITIONAL COMMENTS, IF DESIRED (may include reasons for approval or denial of public convenience or necessity):

26. CITY/COUNTY OFFICIAL NAME	27. CITY/COUNTY OFFICIAL TITLE	28. CITY/COUNTY OFFICIAL PHONE NUMBER
29. CITY/COUNTY OFFICIAL SIGNATURE		30. DATE SIGNED