

## LIQUOR LICENSE REVIEW

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

**File:** 170155

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

**DATE:** February 6, 2017

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

**PLEASE EMAIL YOUR RESPONSE BY:** March 22, 2017, to Erica Major, Public Safety and Neighborhood Services Committee Clerk.

[Erica.Major@sfgov.org](mailto:Erica.Major@sfgov.org) - Fax No: 554-7771

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**Applicant Name:** The Cutting Ball Theater  
**and Business Name:** (Cutting Ball Theater)  
**Applicant Address:** 277 Taylor Street  
San Francisco, CA 94102  
**and Phone No.** (415) 292-4700

**PLANNING COMMENTS:**  Approval  Denial

**POLICE COMMENTS:**  Approval  Denial

# THE CUTTING BALL THEATER

EXPLORE EXPERIMENTAL

February 6, 2017

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

Re: Type 64 Application  
The Cutting Ball Theater  
277 Taylor Street  
San Francisco, CA 94102

Mailing Address:  
The Cutting Ball Theater  
141 Taylor Street  
San Francisco, CA 94102  
415-292-4700

Attn: California Alcoholic Beverage Control, San Francisco Police Department  
ALU and San Francisco Board of Supervisors

Dear Angela Calvillo,

Cutting Ball Theater was founded by Rob Melrose and Paige Rogers in 1999 and has been in residence at Exit on Taylor, located at 277 Taylor Street, since 2007. We are an award-winning theater company that produces a season of three full-length productions, with a total of 48-60 performances each year.

We are seeking this Type 64 liquor license so we can serve alcoholic beverages to our audiences during pre-show and intermission. This would allow us to join the rest of the theaters in our neighborhood in offering this option to our patrons. Alcoholic beverages would only be available to ticketed patrons of the shows during regular performances. Our normal operating hours are from Wednesday- Sunday between 5 pm – 10 pm, depending on the night of the week and the length of the show.

Currently we have found that on nights when we have daily liquor licenses, we are able to draw larger audiences to our theater. Audiences expect, from experience at other institutions such as A.C.T., the Magic Theater or Piano Fight, to be able to enjoy a glass of wine or a drink before a show. This license would therefore help us draw more audiences to our neighborhood and help provide a positive influx of foot traffic at night to the heart of the Tenderloin. As our audiences are drawn from all over the city, it will also help enhance the arts experience for patrons from across San Francisco, thereby serving public convenience or necessity. To date, we have not received a negative response from any community member or group about

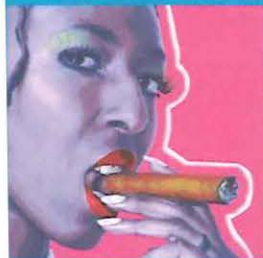
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Honorary Board  
Oskar Eustis  
Ken Melrose  
Suzan-Lori Parks  
Walter Wilkie  
Robert Woodruff

Board Of Directors  
Erik Blachford  
Eric Brown  
Mary Anne Cook  
Amanda Felton  
Darren Isom  
Sarah Kowalczyk  
Tom Lima  
Daniel Lockwood  
Laura Mason  
Janet Maughan  
Rob Melrose  
Reva Rao  
Kate Robards  
Dave Yrueta

Artistic Director  
Paige Rogers

Managing And  
Producing Director  
Liz Olson



The Cutting Ball Theater  
141 Taylor Street  
San Francisco, VA 94102  
www.cuttingball.com  
info@cuttingball.com  
(415) 292-4700

170155

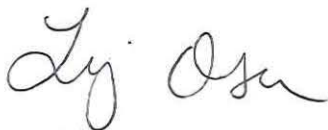
# ○ THE CUTTING BALL THEATER

## EXPLORE EXPERIMENTAL

our use of daily liquor licenses. In fact, many of our neighbors and patrons have expressed support for the expansion of our beverage offerings to all performances.

For these reasons we respectfully request that the Board of Supervisors make a finding that issuance of a Type 64 license at this location will serve public convenience or necessity. If you have any questions about this application or Cutting Ball's operations, please contact me at [liz@cuttingball.com](mailto:liz@cuttingball.com) or at my office line at 415- 292-4700.

Sincerely,



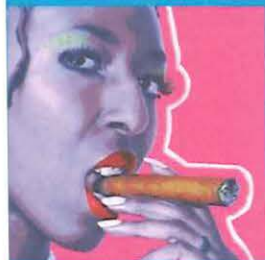
Liz Olson  
Managing and Producing Director

Honorary Board  
Oskar Eustis  
Ken Melrose  
Suzan-Lori Parks  
Walter Wilkie  
Robert Woodruff

Board Of Directors  
Erik Blachford  
Eric Brown  
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**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**

1. APPLICANT'S NAME <b>Cutting Ball Theater</b>		3. LICENSE TYPE <b>64</b>	
2. PREMISES ADDRESS (Street number and name, city, zip code) <b>277 Taylor St., San Francisco CA 94102-2711</b>			
4. TYPE OF BUSINESS			
<input 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:			
5. COUNTY POPULATION <b>845,602</b>	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 <b>275</b> <input checked="" type="checkbox"/> On-Sale <input type="checkbox"/> Off-Sale
8. CENSUS TRACT NUMBER <b>125.02</b>	9. NO. OF LICENSES ALLOWED IN CENSUS TRACT <b>13</b> <input checked="" type="checkbox"/> On-Sale <input type="checkbox"/> Off-Sale		10. NO. OF LICENSES EXISTING IN CENSUS TRACT <b>4</b> <input checked="" type="checkbox"/> On-Sale <input type="checkbox"/> Off-Sale
11. 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?) <input type="checkbox"/> Yes, the number of existing licenses exceeds the number allowed <input checked="" type="checkbox"/> No, the number of existing licenses is lower than the number allowed			
12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS? <input checked="" type="checkbox"/> Yes (Go to Item #13) <input type="checkbox"/> No (Go to Item #20)			
13. CRIME REPORTING DISTRICT NUMBER <b>176</b>	14. TOTAL NUMBER OF REPORTING DISTRICTS <b>653</b>	15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS <b>53,160</b>	
16. AVERAGE NO. OF OFFENSES PER DISTRICT <b>81</b>	17. 120% OF AVERAGE NUMBER OF OFFENSES <b>97</b>	18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT <b>432</b>	
19. 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) <input checked="" type="checkbox"/> Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17 <input type="checkbox"/> No, the total number of offenses in the reporting district is lower than the total number in item #17			
20. CHECK THE BOX THAT APPLIES (check only one box)			
<input type="checkbox"/> 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.			
<input type="checkbox"/> 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.			
<input checked="" type="checkbox"/> 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.			

Governing Body/Designated Subordinate Name: **Board of Supervisors**

**FOR DEPARTMENT USE ONLY**

PREPARED BY (Name of Department Employee)

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

21. 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.

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22. APPLICANT SIGNATURE

23. DATE SIGNED

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

The 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, determines 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):

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26. CITY/COUNTY OFFICIAL NAME

27. CITY/COUNTY OFFICIAL TITLE

28. CITY/COUNTY OFFICIAL PHONE NUMBER

29. CITY/COUNTY OFFICIAL SIGNATURE

30. DATE SIGNED

Instructions to Applicant:

Thank you for filing your application. The application will be assigned to a representative for investigation. After the application is initially reviewed, the representative will notify you if additional information is

DATE: 8/26/16  
FILE NUMBER: 572691  
TYPE: 64

necessary for the investigation. ***Failure to respond to the requests for additional information will be considered an abandonment of the application and it will be administratively withdrawn.*** The items needed for our investigation are checked below. *Please furnish them to this office as soon as possible to avoid delays or denial of your application.* When completing forms, print in ink or type. For questions or help, please call and ask to speak with your assigned investigator or licensing representative at (415) 356-6500.

- Post your premises with Form ABC-207, Public Notice. . . (white poster), or ABC-207-B, Public Notice. . . (yellow poster). Your 30-day statutory waiting period begins when you post the notice. Make sure to date the notice.
- ABC-293, Affidavit of Posting - Sign, date and return.
- ABC-207-A, Notice of Application - Publish one time in a newspaper of general circulation in the city where the licensed premises will be located. If none, publish in a newspaper of general circulation in the city nearest the premises.
- ABC-207-C, Notice of Application to Sell Alcoholic Beverages - Publish once a week for three consecutive weeks. Publish in a newspaper of general circulation in the city where the licensed premise will be located. If none, publish in a newspaper of general circulation in the city nearest the premises.
- ABC-207-D, Notice of Application for Change in Ownership of Alcoholic Beverage License - Publish one time in a newspaper of general circulation in the city where the licensed premises will be located. If none, publish in a newspaper of general circulation in the city nearest the premises.
- ABC-528, Instructions to Applicants. . . Section 23985.5, 500' law.
- ABC-207-E, Notice of Intention to Engage in the Sale of Alcoholic Beverages - Mail to certain addresses within 500' of the premises. Follow instructions on Form ABC-528.
- ABC-207-F, Declaration of Service by Mail (Section 23985.5, 500' law). Complete, sign, date and return with a copy of the ABC-207-E.
- Copy of Conditional Use Permit - Obtain from your city or county planning department.
- Verification (proof) of Funds (e.g., bank statements, savings passbooks, loan papers, real estate papers, financial statement, gift/loan letters, etc.).
- ABC-208-A/B, Individual Personal/Financial Affidavit - The following person(s) must complete the form:

\_\_\_\_\_  
\_\_\_\_\_  
 Live Scan (fingerprints) for the following person(s) - Please provide second copy of BCII 8016 signed by Live Scan operator:  
LAURA-ANN MASON, ERIC BLANCHARD  
THOMAS LIMA ROBERT MELROSE

- Re-record and provide certified copy of ABC-227 or ABC-227-A, Notice of Intended Transfer, to include corrections:  
\_\_\_\_\_
- ABC-245, Information and Instructions re: Section 23958.4 (Public Convenience or Necessity).
- ABC-282, Declaration re Temporary Permit - Required if applicant is not available to sign Form ABC-280, Temporary Retail Permit.

### INVESTIGATION CHECKLIST (Cont.)

- ABC-283, Information Concerning Temporary Permit - Information only; please read.
- Copy of Menu                       Food Lessee Agreement
- Agreement:                       Manager                       Franchise
- Non-retail applicant: Contact Bureau of Alcohol, Tobacco and Firearms National Revenue Center, to find out if a Federal Basic Permit is needed (no need to furnish copy of it to ABC). ATF National Revenue Center, 550 Main St., Cincinnati, OH 45202-3263. Phone: (800) 398-2282; email: natlrevctr@cinc.atf.treas.gov; website: www.atf/treas.gov/alcohol/permits/htm.
- Non-retail applicant: Contact ABC Headquarters, (916) 419-2571, concerning the need for: Malt Beverage Price Schedule (ABC-701), Territorial Agreements, Label Approval Application (ABC-412), Certificate of Compliance (ABC-578 and ABC-410), and Out-of-State Distilled Spirits Shipper's Certificate (ABC-413 and ABC-414).
- Non-retail applicants, except Type 06, 08, 14, 16, 17, 27 and 29, will be contacted directly by the Board of Equalization, Excise Tax Division concerning security deposit and registration requirements for excise tax due on alcoholic beverages.
- Retail applicant: Contact the Bureau of Alcohol, Tobacco and Firearms Distribution Center, (800) 937-8864, about the Special Tax Registration; ATF-5630.5, Annual Special Tax Registration and Return; ATF-5170.2, Liquor Laws and Regulations for Retail Dealers.
- Petition for Conditional License.
- ABC-203, Acknowledgment of ABC Laws, Rules or Regulations.
- Rule 60(j) or (l) affidavit.
- ABC-226, Statement re Consideration Deposited in Escrow - Date mailed to escrowholder: \_\_\_\_\_  
Escrowholder must sign and mail to ABC.
- You may need to provide verification (proof) of the source of your funds (e.g., bank statements, savings passbooks, loan papers, real estate papers, financial statement, gift/loan letters, etc.).
- SIGN & RETURN APPLICANT INFO
- NON-PROFIT
- NEED PCN
- \_\_\_\_\_
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Posting should be accomplished within 5 days from the date of application.

Investigation cannot progress until this completed form, Affidavit of Posting, has been received by this office.

Date of Filing Application: **August 26, 2016**

Name of Applicant(s): **CUTTING BALL THEATER THE**  
Address of Premises: **277 TAYLOR ST  
SAN FRANCISCO, CA 94102-2711**  
License(s) Applied for: **64 - Special On-Sale General Theater**

I hereby certify under penalty of perjury that pursuant to the provisions of Section 23985 of the Alcoholic Beverage Control Act and Rule 109, Title 4, Chapter 1, California Code of Regulations, after filing an application to engage in the sale of alcoholic beverages at the above-designated premises, I did date the posting notice and on said date did post the notice in a conspicuous place on the premises and said notice shall remain posted for a period of at least 30 consecutive days.

NOTICE DATED AND POSTING: 8/29/2016

SIGNATURE OF APPLICANT:  DATE 8/29/16

Please return within five (5) days to:

**Department of Alcoholic Beverage Control  
33 NEW MONTGOMERY STREET  
SUITE 1230  
SAN FRANCISCO, CA 94105  
(415) 356-6500**

Section 23985 and Rule 109.

Section 23985. POSTING NOTICE. After filing an application to engage in the sale of any alcoholic beverage at any premises, notice of intention to so commence shall be posted in a conspicuous place at the entrance to the premises. The applicant shall notify the department of the date when such notice is first posted. No License shall be issued for the premises until the notice has been so posted for at least 30 consecutive days. The notice shall be in such form as the department shall prescribe.

Notice of the application for a license pursuant to Section 24044 shall be posted at the proposed premises after the application is filed and shall remain so posted for at least 30 consecutive days. The applicant shall notify the department of the date when such notice is first posted.

Rule 109. POSTING NOTICE. After filing an application to sell alcoholic beverages at any premises, the applicant shall post on the proposed premises notice of intention to sell alcoholic beverages. The notice shall be at least two feet in length and fourteen inches in width. This notice shall be posted in a conspicuous place which can be readily observed by ordinary passersby at or near the entrance to the premises. In the case of a vacant lot, posting shall be on a post or stake of permanent material, at the midpoint of the largest boundary fronting on a public thoroughfare at a point not more than ten (10) feet from the sidewalk, or roadway in the absence of any sidewalk. This notice must be mounted upon heavy cardboard or wood backing affixed to the post or stake so as to be readily visible from the sidewalk or roadway.

The notice shall remain posted for at least 30 consecutive days.