

File No. 170912

Committee Item No. 1

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Comm: Public Safety & Neighborhood Services

Date: October 25, 2017

Board of Supervisors Meeting:

Date: _____

Cmte Board

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

OTHER

(Click the text below for a direct link to the document)

- | | | |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>SFPD review and recommendations - October 4, 2017</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Planning review and recommendations - August 21, 2017</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Referral - August 14, 2017</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>PC or N request letter from Applicant - August 14, 2017</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Prepared by: John Carroll

Date: October 20, 2017

Prepared by: _____

Date: _____

Carroll, John (BOS)

From: Carroll, John (BOS)
Sent: Wednesday, October 04, 2017 2:52 PM
To: Barnes, Bill (BOS); Pagoulatos, Nick (BOS); (carolyn.goossen@sfgov.org); 'mail@sffringe.org'
Cc: Lopez, Barbara (BOS); Duong, Noelle (BOS); Lee, Ivy (ivy.lee@sfgov.org); Gordon, Nelly (POL); Dinh, Dawn (POL); George, Gigi (POL)
Subject: Liquor License PC or N - Liquor License - 156 Eddy Street - Exit Theatre
Categories: 170912

Good afternoon,

The Police Department has completed their review of the subject application, and has forwarded their recommendation for approval with conditions. For your convenience, I have their review available from the link below:

[Police Department Response - October 4, 2017](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 170912](#)

Thanks for the review.

John Carroll
Assistant Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445 - Direct | (415)554-5163 - Fax
john.carroll@sfgov.org | bos.legislation@sfgov.org



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San Francisco Police Department
ABC Liaison Unit



Alcoholic Beverage License -
*Public Convenience or
Necessity Recommendation*

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

Supervisor Hillary Ronen
Supervisor Jeff Sheehy
Supervisor Sandra Lee Fewer

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

Date: October 4, 2017

Subject: P.C.N. Investigation Regarding: EXITHEATRE
DBA: EXITHEATRE
156 Eddy Street
San Francisco, CA. 94102-2708
Richard Livingston
(415) 673-5944

Mr. Richard Livingston on behalf of Exit Theatre has filed an application with the California Department of Alcoholic Beverage Control seeking a Type 64 (Special On – Sale General) License at 156 Eddy Street (located between Taylor Street and Mason Street).

Hours of Operation:
9:00 am – 1:00 am 7 days a week

Digest:

Exit Theatre has been located at 156 Eddy Street since 1983. Exit Theatre is a nonprofit theater in the Tenderloin. If approved, this license will allow Exit Theatre to sell on-sale beer, wine and distilled spirits.

Letters of Protest:

No Record

Letters of Support:

No Record

Police Calls for Service:

From July 2016 to July 2017

5 call for service

Police Reports:

From July 2016 to July 2017

0 police report

San Francisco Plot Information:

This premise is located in Plot: 176

A High Crime area is defined as 78 or more police reports in a plot for the year of 2016.

This plot had 327 police reports for 2016, which is 249 over the Citywide "High Crime" average.

State Census Tract Information:

This premise is located in Census Tract: 125.01

Population for this tract is: 5,335

On-sale license authorized by census tract: 19

Active on-sale licenses: 27 with 0 pending

Off-sale licenses authorized by census tract: 4

Active off-sale licenses: 8 with 0 pending

Departmental Recommendation:

Points of consideration: **4**

No opposition from **Tenderloin**

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

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

0 - Record of protest.

0 - Record of support.

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

1. All sales of alcoholic beverages in the general spectator seating areas shall be made only from concession stands and shall not be sold, served or delivered to customers by individual ambulatory vendors, more commonly known as "hawkers".
2. Point of sale of alcoholic beverages shall not be maintained within the theater auditoriums.
3. No more than two (2) alcoholic beverage shall be sold or served to any one (1) person during any transaction.
4. The sale of alcoholic beverages for off-sale consumption is strictly prohibited.
5. Alcoholic beverages shall be served in containers which significantly differ in appearance from those containers utilized for non-alcoholic beverages. (Containers for beer shall not exceed 16 ounces. This condition does not preclude the service of alcoholic beverages in their original containers.)
6. At all times when the premises are exercising the privileges of their licenses, an employee of the premises shall enter and monitor the activity within the theater on a regular basis, but not less than ever 30 minute.
7. Loitering (loitering is defined as "to stand idly about; linger aimlessly without lawful business") is prohibited on any sidewalks or property adjacent to the licensed premises under the control of the licensee as depicted on the ABC-257 dated 6/27/17.
8. No noise shall be audible at any nearby residence or the four (4) consideration points.

9. Notwithstanding any other condition(s) #4 & #5 on this petition, alcoholic beverages may be sold or served by waiters or waitresses in the general spectator seating areas under the following conditions:
- a. Only persons occupying seats in the theater auditoriums shall be permitted to order and be served alcoholic beverages.
 - b. Orders from patrons seated in the theater auditoriums must be made to the waiter or waitress serving that area and the alcoholic beverages must be personally delivered to the patron by the waiter or waitress who took the order.
 - c. The waiter or waitress serving in the theater auditoriums shall not carry a supply of unordered alcoholic beverages.

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

End

Google Maps 156 Eddy St



Google Maps 147 Eddy St



San Francisco, California
Street View - Feb 2017

Image capture: Feb 2017 © 2017 Google United States

Carroll, John (BOS)

From: Carroll, John (BOS)
Sent: Tuesday, August 22, 2017 11:39 AM
To: Gordon, Nelly (POL); George, Gigi (POL)
Cc: Morales, Carolina (BOS); Lopez, Barbara (BOS); Duong, Noelle (BOS); Lee, Ivy (ivy.lee@sfgov.org)
Subject: FW: Liquor License PC or N Referral - 156 Eddy Street - Exit Theatre

Good morning,

The Planning Department has completed their review of the subject application, and has forwarded their recommendation for approval. For you convenience, I have their review available from the link below:

[Planning Dept. Response - August 21, 2017](#)


I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 170912](#)

I request the Police Department's response before September 25, 2017.

Thanks for the review.

John Carroll
Assistant Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445 - Direct | (415)554-5163 - Fax
john.carroll@sfgov.org | bos.legislation@sfgov.org

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From: Powell, Georgia (CPC)
Sent: Monday, August 21, 2017 11:28 AM
To: Carroll, John (BOS) <john.carroll@sfgov.org>
Subject: BOS/PCN Zoning Referrals - 8/21/17

Please see attached.

RECEIVED

AUG 14 2017

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
NEIGHBORHOOD PLANNING

LIQUOR LICENSE REVIEW



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

File: 170912

Block/lot: 0331/009
Zoning: RC-4
Quad: NE
Record #2017010394

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

DATE: August 14, 2017

MIS

Please submit your response in four to six weeks for the matter to be heard.
PLEASE EMAIL YOUR RESPONSE BY: September 25, 2017, to John Carroll,
Public Safety and Neighborhood Services Committee Clerk.
john.carroll@sfgov.org - Fax No: 554-5163

Applicant Name:
Business Name: Exit Theatre
Application Address: 156 Eddy Street
San Francisco, CA 94102
and contact info: Contact: Christina Augello
156 Eddy Street
San Francisco, CA 94102
(415) 931-1094

PLANNING COMMENTS: Approval Denial

Recommend Approval; ABC type 64 license is permitted as an Accessory use to other entertainment use (theater use) within the RC-4 Zoning District per PC Sections 209.3 & 249.5. Use is subject to Good Neighbor Policies of the North of Market SUD. Alcohol sale limited to 1/3 of total floor area.

POLICE COMMENTS: Approval Denial

Carroll, John (BOS)

From: Carroll, John (BOS)
Sent: Thursday, August 17, 2017 1:49 PM
To: 'mail@sffringe.org'
Subject: FW: Liquor License PC or N Referral - 156 Eddy Street - Exit Theatre

Categories: 170912

Good afternoon,

The office of the Clerk of the Board of Supervisors for the City and County of San Francisco has received a letter requesting findings of public convenience or necessity for a liquor license transfer.

The matter is now in the hands of the Public Safety and Neighborhood Services Committee. With the below message, I have requested review of the file by the Planning and Police Departments.

We will be in further contact as this matter moves through the legislative process.

Thank you,

John Carroll
Assistant Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445 - Direct | (415)554-5163 - Fax
john.carroll@sfgov.org | bos.legislation@sfgov.org



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From: Carroll, John (BOS)
Sent: Monday, August 14, 2017 2:12 PM
To: Rodgers, AnMarie <anmarie.rodgers@sfgov.org>; Powell, Georgia (CPC) <georgia.powell@sfgov.org>; Gordon, Nelly (POL) <nelly.gordon@sfgov.org>
Cc: 'justin.gebb@abc.ca.gov' <justin.gebb@abc.ca.gov>; 'joan.bernardino@abc.ca.gov' <joan.bernardino@abc.ca.gov>; Morales, Carolina (BOS) <Carolina.Morales@sfgov.org>; Lopez, Barbara (BOS) <barbara.lopez@sfgov.org>; Duong, Noelle (BOS) <noelle.duong@sfgov.org>; Lau, Claire (BOS) <claire.lau@sfgov.org>
Subject: Liquor License PC or N Referral - 156 Eddy Street - Exit Theatre

Good afternoon,

The office of the Clerk of the Board has received a letter requesting Public Convenience or Necessity recommendations for a liquor license issuance. This matter is being referred to you for response via the following linked document:

[Referral Letter to Planning and Police Departments](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 170912](#)

I request the department's response before September 25, 2017.

Thanks for the review.

John Carroll

Assistant Clerk

Board of Supervisors

San Francisco City Hall, Room 244

San Francisco, CA 94102

(415)554-4445 - Direct | (415)554-5163 - Fax

john.carroll@sfgov.org | bos.legislation@sfgov.org



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LIQUOR LICENSE REVIEW

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

File: 170912

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

DATE: August 14, 2017

Please submit your response in four to six weeks for the matter to be heard.
PLEASE EMAIL YOUR RESPONSE BY: September 25, 2017, to John Carroll,
Public Safety and Neighborhood Services Committee Clerk.
john.carroll@sfgov.org - Fax No: 554-5163

Applicant Name:

Business Name: Exit Theatre

Application Address: 156 Eddy Street
San Francisco, CA 94102

and contact info: Contact: Christina Augello
156 Eddy Street
San Francisco, CA 94102
(415) 931-1094

PLANNING COMMENTS: Approval Denial

POLICE COMMENTS: Approval Denial



EXIT THEATRE • EXIT STAGE LEFT San Francisco Fringe Festival

156 EDDY STREET • SAN FRANCISCO, CA • 94102

Christina Augello • ARTISTIC DIRECTOR • 415 931-1094

Richard Livingston • MANAGING DIRECTOR • 415 673-5944

Box Office • 415 673-3844

Fax • 415 931-2699

Email • MAIL@SFFRINGE.ORG

August 9, 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, EXIT Theatre, 156 Eddy Street, San Francisco, CA 94102

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

Dear Angela Calvillo,

EXIT Theatre is writing to request support for our application with the California Alcoholic Beverage Control for a Type 64 Special On-Sale General Theatre license for our theater at 156 Eddy Street.

EXIT Theatre is a 34-year-old award winning nonprofit Tenderloin theater, founded in 1983, that presents 500 performances each year by a large number of ethnic, gender, and age diverse theater artists. Since 1994 we have been serving food and beverages, including beer and wine, to our patrons without incident under our existing Type 41 On Sale Beer & Wine license. We are now seeking to replace our existing Type 41 license with a Type 64 Special On-Sale General Theatre license.

The sale of alcoholic beverages would only be available to audiences at our theatrical performances starting no earlier than two hours before the performance and ending no later than one hour after the performance. Food and beverages are a small part of our theatrical operation but the concessions provide an important and expected amenity to our patrons. Whether it be large cultural institutions like the opera or the American Conservatory Theatre, or smaller community theatres, concessions, including alcohol in moderation, are expected. The Type 64 license would allow EXIT Theatre to come more in line with the rest of the theaters in our community.

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 EXIT Theatre's operations, please contact me at mail@theexit.org or at 415- 931-1094.

Sincerely,

Christina Augello, Artistic Director

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2017 AUG 14 PM 1:09

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

SAN FRANCISCO DISTRICT OFFICE
33 NEW MONTGOMERY STREET, SUITE 1230
SAN FRANCISCO, CA 94105
(415) 356-6500



July 11, 2017

EXITHEATRE
156 EDDY ST
SAN FRANCISCO, CA 94102-2708

Location: 156 EDDY ST
SAN FRANCISCO, CA 94102-2708
CMD: July 5, 2017
File No.: 64-583019

Dear Applicant(s):

I have been assigned to investigate your application for an alcoholic beverage license. Please be advised that in order to process your application, the following documents and/or information are needed:

1. Affidavit of Posting *mailed 7-13-17*
2. ABC 207 E & F *mailed 7-14-17*
3. Fingerprints
4. ABC-231 to cancel or surrender license #41-292597 *mailed 7-13-17*
5. Minutes showing the election of Christine as Vice-President and Richard as Secretary/Treasurer *mailed 7-14-17*
6. Public convenience or necessity letter from SF Board of Supervisor

To prevent unnecessary delays in the processing of your application, please submit the above-requested items to my attention. If you have any questions regarding the above, feel free to contact me at any time at (415) 356-6613.

Sincerely,

Joan Bernardino
Licensing Representative II

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)

ABC 211 (6/99)

CHRISTINE AUGELLO

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

File Number: **583019** (415) 931-1094
 Receipt Number: **2438874**
 Geographical Code: **3800**
 Copies Mailed Date: **July 5, 2017**
 Issued Date:

RECEIVED
 SAN FRANCISCO
 2017 JUL 10 PM 2:48
 45085

DISTRICT SERVING LOCATION: **SAN FRANCISCO**
 First Owner: **EXITHEATRE**
 Name of Business: **EXITHEATRE**
 Location of Business: **156 EDDY ST
 SAN FRANCISCO, CA 94102-2708**
 County: **SAN FRANCISCO**
 Is Premise inside city limits? **Yes** Census Tract **0125.01**

Mailing Address:
 (If different from
 premises address)

Type of license(s): **64**

Transferor's license/name: _____ Dropping Partner: Yes ___ No ___

License Type	Transaction Type	Fee Type	Master	Dup	Date	Fee
64 - Special On-Sale Generz	ANNUAL FEE	P40	Y	0	07/05/17	\$508.00
64 - Special On-Sale Generz	ORIGINAL FEES	P40	Y	0	07/05/17	\$1,000.00
NA	FEDERAL FINGERPRINTS	NA	N	2	07/05/17	\$48.00
NA	STATE FINGERPRINTS	NA	N	2	07/05/17	\$78.00
Total						\$1,634.00

Have you ever been convicted of a felony? **No**
 Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? **No**

Explain any "Yes" answer to the above questions on an attachment which shall be deemed part of this application.

Applicant agrees (a) that any manager employed in an on-sale licensed premises will have all the qualifications of a licensee, and (b) that he will not violate or cause or permit to be violated any of the provisions of the Alcoholic Beverage Control Act.

STATE OF CALIFORNIA County of **SAN FRANCISCO** Date: **July 5, 2017**

Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He is an applicant, or one of the applicants, or an executive officer of the applicant corporation, named in the foregoing application, duly authorized to make this application on its behalf; (2) that he has read the foregoing and knows the contents thereof and that each of the above statements therein made are true; (3) that no person other than the applicant or applicants has any direct or indirect interest in the applicant or applicant's business to be conducted under the license(s) for which this application is made; (4) that the transfer application or proposed transfer is not made to satisfy the payment of a loan or to fulfill an agreement entered into more than ninety (90) days preceding the day on which the transfer application is filed with the Department or to gain or establish a preference to or for any creditor or transferor or to defraud or injure any creditor of transferor; (5) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

Effective July 1, 2012, Revenue and Taxation Code Section 7057, authorizes the State Board of Equalization and the Franchise Tax Board to share taxpayer information with Department of Alcoholic Beverage Control. The Department may suspend, revoke, and refuse to issue a license if the licensee's name appears in the 500 largest tax delinquencies list. (Business and Professions Code Section 494.5.)

Applicant Name(s)

Applicant Signature(s)

EXITHEATRE

See 211 Signature Page



**California Department of Alcoholic Beverage
Control**
License Query System Summary
as of 10/18/2017

License Information
License Number: 583019
Primary Owner: EXITHEATRE
ABC Office of Application: 24 - SAN FRANCISCO
Business Name
Doing Business As: EXITHEATRE
Business Address
Address: 156 EDDY ST Census Tract: 0125.01
City: SAN FRANCISCO County: SAN FRANCISCO
State: CA Zip Code: 94102
Licensee Information
Licensee: EXITHEATRE
<i>Company Information</i>
OFFICER: AUGELLO, CHRISTINE MARIE (DIRECTOR)
OFFICER: HARRISON, CHRIS MICHELLE (DIRECTOR)
OFFICER: LINK, GEOFFREY PHILIP (DIRECTOR)
OFFICER: LIVINGSTON, RICHARD CARTER (DIRECTOR)
OFFICER: WHITE, CARMEN RITA (DIRECTOR)
OFFICER: LINK, GEOFFREY PHILIP (PRESIDENT)

OFFICER: LIVINGSTON, RICHARD CARTER (SECRETARY
TREASURER)

OFFICER: AUGELLO, CHRISTINE MARIE (VICE PRESIDENT)

License Types

1) **License Type:** 64 - SPECIAL ON-SALE GENERAL THEATER

License Type Status: PENDING

Status Date: 05-JUL-2017 **Term:** 12 Month(s)

Original Issue Date: **Expiration Date:**

Master: Y **Duplicate:** 0 **Fee Code:** P40

License Type was Transferred On: **FROM:**

Operating Restrictions

... *No Operating Restrictions found* ...

Current Disciplinary Action

... *No Active Disciplinary Action found* ...

Disciplinary History

... *No Disciplinary History found* ...

Hold Information

Hold Date: 05-JUL-2017 **Type:** FORM 220

Escrow

... *No Escrow found* ...

--- *End of Report* ---

For a definition of codes, view our [glossary](#).

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Clerk of the Board

Subject:

Liquor License - 156 Eddy Street - Exit Theatre

The text is listed below or attached:

Hearing to consider that the issuance of a Type-64 special on-sale general theater liquor license to the Exit Theatre, located at 156 Eddy Street (District 6), will serve the public convenience or necessity of the City and County of San Francisco.

Signature of Sponsoring Supervisor: Alisa Gomez

For Clerk's Use Only: