

File No. 111260

Committee Item No. 2

Board Item No. 5

COMMITTEE/BOARD OF SUPERVISORS  
AGENDA PACKET CONTENTS LIST

Committee: City Operations & Neighborhood Services Committee Date 1/23/12

Board of Supervisors Meeting Date 1/31/12

LIQUOR LICENSE HEARING

Cmte Board

- |                                     |                                     |                            |
|-------------------------------------|-------------------------------------|----------------------------|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Applicant's Letter         |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Police Department Report   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Planning Department Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Clerk's Correspondence     |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence      |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Resolution                 |
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Completed by Gail Johnson Date 1/19/12  
Completed by [Signature] Date 1/29/12

1 [Liquor License, 701 Mission Street]

2  
3 **Resolution determining that the issuance of a Type 64 Special On-Sale General**  
4 **Theater liquor license, to Jeanette Carvajal for the Yerba Buena Center for the**  
5 **Arts, located at 701 Mission Street (District 6), will serve the public convenience**  
6 **or necessity of the people of the City and County of San Francisco, in accordance**  
7 **with Section 23958.4 of the California Business and Professions Code, with**  
8 **conditions.**

9  
10 WHEREAS, Jeanette Carvajal is seeking issuance of a Type 64 Special On-Sale  
11 General Theater Liquor License for the Yerba Center for the Arts, located at 701  
12 Mission Street; and,

13 WHEREAS, The Planning Department has verified that the area is properly  
14 zoned; and,

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

17 RESOLVED, That in accordance with Section 23958.4 of the California Business  
18 and Professions Code, the Board of Supervisors of the City and County of San  
19 Francisco hereby determines for the foregoing reasons that the issuance of a Type 64  
20 Special On-Sale General Theater Liquor License to Jeanette Carvajal for the Yerba  
21 Buena Center for the Arts, located at 701 Mission Street, will serve the public  
22 convenience or necessity of the people of the City and County of San Francisco.

23 Conditions: (1) Sales, service, and consumption of alcoholic beverages shall be  
24 permitted only between 12:00 p.m. to 1:00 a.m. each day of the week. (2) Sales,  
25 service, and consumption of alcoholic beverages is restricted to the [1] lobby, forum,

1 and Room for Big Ideas on the 1<sup>st</sup> floor forum building; [2] screening room, terrace  
2 gallery, and YAAW lounge on the 2<sup>nd</sup> floor forum building; [3] the first floor Novellus  
3 theater main lobby; and [4] the second floor Novellus theater terrace lobby, north and  
4 south landings and private outside patio as depicted on the ABC-257 dated 4-27-11 and  
5 10-24-11. (3) The sale and serving of alcoholic beverages shall be limited to  
6 ticketholders only during, and two hours prior to and one hour after, a bona fide theater  
7 performance of the theater company. A bona fide theater performance is defined as the  
8 "licensee must actually operate a troupe of actors or other performers for the purpose of  
9 putting on performances." (4) Sales, service, and consumption of alcoholic beverages  
10 shall be made only from stationary bars or portable bars and waiter/waitress service;  
11 and shall not be sold, served, or delivered to customers by individual ambulatory  
12 vendors. (5) The sale of alcoholic beverages for consumption off the premises is  
13 strictly prohibited. (6) Alcoholic beverages shall be served in containers clearly  
14 distinguishable from non-alcoholic beverage containers. (7) The sale of alcoholic  
15 beverages shall be limited to no more than 2 beverages per person per sale. (8) The  
16 petitioner shall post signs measuring no less than 12 x 12 inches with lettering no  
17 smaller than 2 inches in height that read: "No alcoholic beverages beyond this point" at  
18 all permitted exits, entrances, stairwells, and entrances to the theater seating area as  
19 depicted on the ABC 257 dated 10-24-11. (9) An employee or security guard shall be  
20 assigned the responsibility of ensuring all alcoholic beverages remain inside the  
21 permitted area whenever the privileges of the ABC license are being exercised. (10) At  
22 any time the licensee(s) utilizes a third party promoter at this premises, the licensee  
23 shall maintain control of the management, operation, and staffing of the business, and  
24 shall approve all marketing materials. (11) Loitering (loitering is defined as "to stand  
25 idly about; linger aimlessly without lawful business") is prohibited on any sidewalks or

1 property adjacent to the licensed premises under the control of the licensee(s) as  
2 depicted on the ABC-257 dated 10-24-11. (12) The petitioner(s) shall be responsible  
3 for maintaining free of litter the area adjacent to the premises over which they have  
4 control. (13) The exterior of the premises shall be equipped with lighting of sufficient  
5 power to illuminate and make easily discernible the appearance and conduct of all  
6 persons on or about the premises.

File 111260

November 15, 2011

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2011 NOV 16 AM 9:46  
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**VIA On Trac**

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

**Re: Yerba Buena Center for the Arts. – 701 Mission St., San Francisco CA 94103**  
**Special on Sale General Theater – Type 64 Alcoholic Beverage License**  
**Application for Public Convenience or Necessity with City and County of San**  
**Francisco**

Dear Ms. Calvillo:

Our firm represents Yerba Buena Center for the Arts. In the above-referenced application for a Special On-sale General Theater license and for a determination of Public Convenience or Necessity ("PC or N"). This letter is sent to formally request that the Board of Supervisors make a finding of PC or N regarding Yerba Buena Center for the Arts' application for an ABC license at the above-referenced address. Thus, YBCA hereby respectfully requests that the Board of Supervisors make the determination of PC or N for the reasons stated hereafter.

**Overview and Project Description**

Synonymous with entertainment, fine food, wonderful shopping and a variety of memorable attractions, San Francisco is regularly named America's more popular city by the major travel media. And why not? With attractions like the Embarcadero, Ghirardelli Square, Fisherman's Wharf, Chinatown, Golden Gate Park and Golden Gate Bridge, the ubiquitous cable cars, San Francisco Bay, Alcatraz Island, curving Lombard Street and nearby Sausalito and the Napa and Sonoma Valleys, this hilly mecca beside the Pacific has become one of the great multi-national cities of the world... the perfect setting for a arts center such as Yerba Buena Center for the Arts.

The Yerba Buena Center for the Arts is located in the heart of downtown San Francisco's cultural neighborhood and is rightfully placed among the city's most recognized landmarks and within walking distance of Union Square, the financial district and the vibrant South of Market area. The YBCA is easily accessible and surrounded by ample parking and convenient to all major public transportation systems, including BART and Muni.

In order to provide alcoholic beverage service in the guests YBCA applied for a Special on Sale General Theater license with the California Department of Alcoholic Beverage Control on July

12, 2011. A type 64 license authorizes the sale of alcoholic beverages only to guests prior to curtain call for consumption on the licensed premises.

**BASIS FOR SUPPORTING ON SITE ALCOHOLIC BEVERAGES SALES AS AN INTERGAL PART OF THE PROPOSED PROJECT**

**The overall renovation of the building positively contributes to the social and economic environment of San Francisco.** The Yerba Buena Center for the Arts is a significant part of San Francisco, as it provides visual, media and performing arts which all reflect the San Francisco Bay Area's many cultural populations to the widest possible audiences in an attractive world class venue. Comprised of two landmark buildings the Galleries and Forum by Japanese architect Fumihiko Maki and Theater by American Architect James Stewart Polshek, the Center opened to wide international acclaim in October, 1993.

**The proposed licensed premises are a convenience to the guests of the Performing Arts Center.** By applying for the Special on Sale General Theater license YBCA intends on providing an additional service to our guests who may desire beer and wine service prior to curtain call. Yerba Buena Center for the Arts does not only host performances of all kinds, but also caters to guests for many other fundraiser functions, private parties and weddings in the East Garden.

Some of the areas the Center to be encompassed in the license are the room for big ideas which is located directly off our grand lobby, this room was once an actual café (with sink and storage/prep area still functional) and is frequently requested by performance clients as a pre-show or post-show VIP reception space. Such receptions are for ticketed guests, fall within the two-hours prior to one-hour after license specifications, and operate very much as concessions sales would within our lobby.

In addition the YAAW Lounge which stands for Young Artists at Work (YAAW) Lounge is located on the second floor near our screening room, has a very functional food prep space with sink, counters, and refrigeration, and is frequently requested by performance clients as a pre-show or post-show VIP reception space. Such receptions are for ticketed guests, fall within the two-hours prior to one-hour after license specifications, and operate very much as concessions sales would within our lobby.

Located directly off of the Terrace Gallery the Screening Room is the Center's 94-seat screening room, in addition to regular film screenings, is frequently used as an actual performance space. Spoken word presentations, dramatic readings of books or works-in-progress, and curatorial interviews are some examples of ticketed performances within this room, and concessions would operate exactly the same as they would for any Forum or theater performance.

**The nature of the premises will prevent the Center from creating law enforcement problems.** Yerba Buena Center for the Arts is a place of cultural experience for the San

November 15, 2011

Page 3 of 3

Francisco community, the performers and artists that come to the center give the community a message well beyond the day to day realities that are the substance of most of our thinking, many contemporary artists are creating artistic experiences that allow us to extend ourselves into a transcendent realm, one that acknowledges the human need for meaning. Furthermore, it should be emphasized that YBCA is committed to taking all feasible steps to address law enforcement concerns, if any, about the premises or its operation practices. YBCA will be a responsible retailer of alcohol, and is confident that the same positive results will occur at the proposed premises.

**The site will not result in an adverse impact on public health, safety, or welfare.**

Presently, the site does not negatively impact public health, safety, or welfare. In fact, by offering a state of the art facility to the community to enjoy performances, art and experience culture has enhanced the downtown area of San Francisco. The addition of selling alcoholic beverages at the center will not change this. In addition, YBCA will ensure all employees go through an extensive responsible alcoholic beverage service employee-training program with both oral and written aspects to ensure that employees understand and implement the procedures to comply with ABC laws and regulations.

Furthermore, YBCA is open to negotiating conditions of approval the Board of Supervisors or the police department feels would address any concerns regarding the sale of alcoholic beverages in the Center. YBCA realizes that a healthy community translates to healthy business and is committed to protecting the public health, safety, and welfare of the community, and will take appropriate steps to do so.

**CONCLUSION**

As indicated above, this site will clearly serve the public convenience of residents of San Francisco community. No portion of the surrounding area will be adversely affected. YBCA will be responsible retailer of alcoholic beverages. Permitting the sale of alcoholic beverages at the site will not change this, but will 'round-out' Yerba Buena Center for the Arts offering at this premise, providing guests the added convenience of consuming alcoholic beverages prior to curtain call, social occasions or at special receptions. A positive finding of PC or N is certainly appropriate.

Based on the foregoing, YBCA respectfully requests that the Board of Supervisors find that public convenience or necessity will be served in the granting of a Special on Sale General Theater ABC license for this premises.

Thank you for your attention to this matter and if you have any questions please call me at (951) 698-6868.

Sincerely,

  
Jeanette Carvajal



San Francisco Police Department  
**ABC Liaison Unit**



Alcoholic Beverage License -  
*Public Convenience and  
Necessity Recommendation*

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

**Supervisor Elsbernd  
Supervisor Chu  
Supervisor Olague**

**From:** Inspector Julie Lazar  
ABC Liaison Unit (ALU) 553-1049

**Date:** January 19, 2012

**Subject:** P.C.N. Investigation Regarding: Yerba Buena Center for the Arts  
701 Mission Street  
Jesse Lindow  
(415) 321-1361

Ms. Jeanette Carvajal on behalf of Yerba Buena Center for the Arts has filed an application with the California Department of Alcoholic Beverage Control seeking an original (New License-Owner-Location) Type 64 (Special On-sale General Theater) license for 701 Mission Street (located between 3<sup>rd</sup> Street and 4<sup>th</sup> Street).

Hours of Operation:

Daily 12:00 p.m. – 1:00 a.m.

**Digest:**

This non-profit business is currently operating as a museum for the arts and a performing arts center. The rooms include two art galleries and two theaters with the combined capacity of over 750 people. If approved, this license will allow the applicant to sell alcoholic beverages to ticket holders.

It should be noted that during the application process the 500' mailer was posted on July 21, 2011. The Notice to the Public was posted on July 13, 2011. There are no letters of protest and no letters of support. For the purposes of this hearing the ABC



seeks a determination from the Board of Supervisors as to the approval or denial of this license.

**Letters of Protest:**

No record

**Letters of Support:**

No record

**Police Calls for Service:**

From May 2010 to May 2011

32

**Police Reports:**

From July 2010 to July 2011

No Record

**San Francisco Plot Information:**

This premise is located in Plot 224

480 Police Reports were recorded for this plot in 2010

This plot has 265 Police Report(s) over the citywide average (plus 20%) of 215 Police Reports.

**State Census Tract Information:**

This premise is located in Census Tract 176.02

Population for this tract is: 532

On-sale license authorized by census tract: 2

Active on-sale licenses: 71 with 2 pending

Off-sale licenses authorized by census tract: 1

Active off-sale licenses: 7 with 1 pending

**Departmental Recommendation:**

Points of consideration:

No opposition from Southern Station

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

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

No Record of protest.

No Record of support.

ALU Recommendation: **Approval w/conditions**

1. Sales, service, and consumption of alcoholic beverages shall be permitted only between 12:00 p.m. to 1:00 a.m. each day of the week.
2. Sales, service, and consumption of alcoholic beverages is restricted to the (1) lobby, forum, and Room for Big Ideas on the 1<sup>st</sup> floor forum building; (2) screening room, terrace gallery, and YAAW lounge on the 2<sup>nd</sup> floor forum building; and (3) the first floor Novellus theater main lobby; (4) the second floor Novellus theater terrace lobby, north and south landings and private outside patio as depicted on the ABC-257 dated 4-27-11 and 10-24-11.
3. The sale and serving of alcoholic beverages shall be limited to ticketholders only during, and two hours prior to and one hour after, a bona fide theater performance of the theater company. A bona fide theater performance is defined as the "licensee must actually operate a troupe of actors or other performers for the purpose of putting a performances."
4. Sales, service, and consumption of alcoholic beverages shall be made only from stationary bars or portable bars and waiter/waitress service; and shall not be sold, served, or delivered to customers by individual ambulatory vendors.
5. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.
6. Alcoholic beverages shall be served in containers clearly distinguishable from non-alcoholic beverage containers.
7. The sale of alcoholic beverages shall be limited to no more than 2 beverages per person per sale.

8. The petitioner shall post signs measuring no less than 12 x 12 inches with lettering no smaller than 2 inches in height that read: "No alcoholic beverages beyond this point" at all permitted exits, entrances, stairwells, and entrances to the theater seating area as depicted on the ABC 257 dated 10-24-11.

9. An employee or security guard shall be assigned the responsibility of ensuring all alcoholic beverages remain inside the permitted area whenever the privileges of the ABC license are being exercised.

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11. 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(s) as depicted on the ABC-257 dated 10-24-

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13. The exterior of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the premises.

end.

export To  **New!**

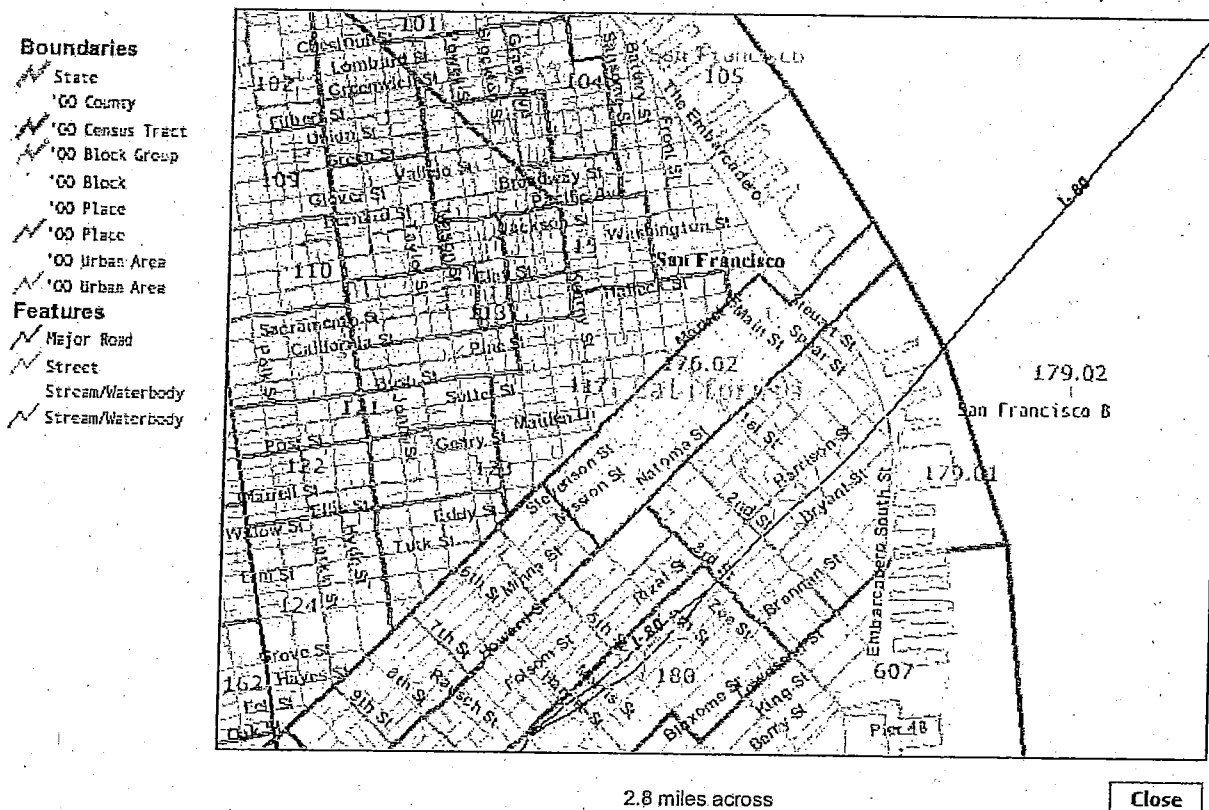
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112101572		07/29/2011	12:55:22	I	913			701 MISSION ST
112052127		07/24/2011	16:00:16	C	000			701 MISSION ST
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110891299		03/30/2011	11:18:13	B	913			701 MISSION

								ST
<u>110761349</u>		03/17/2011	11:17:26	C	913			701 MISSION ST
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<u>110473217</u>		02/16/2011	19:48:54	C	000			701 MISSION ST
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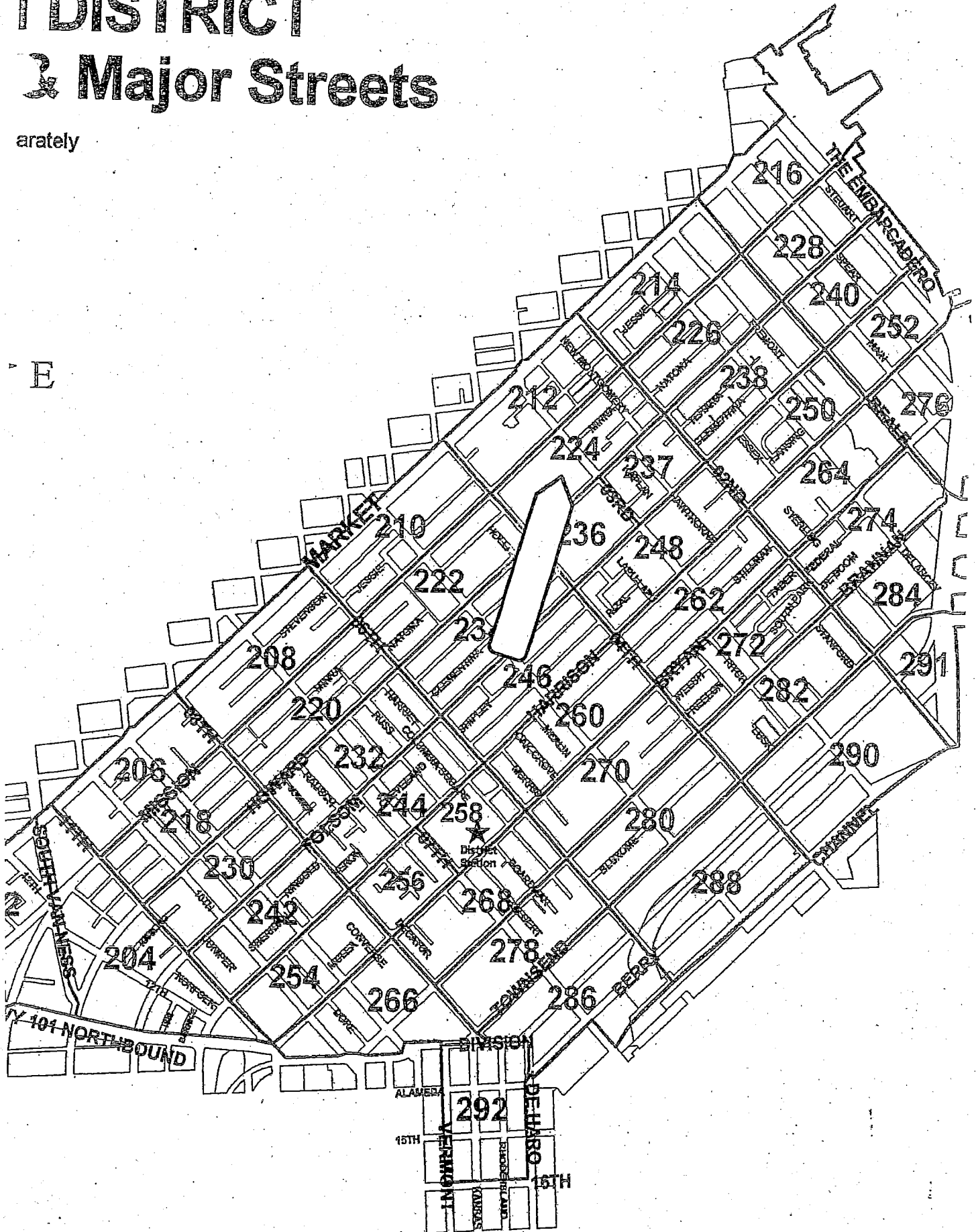
Census Tract 176.02, San Francisco County, California



# I DISTRICT & Major Streets

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DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

# PUBLIC NOTICE OF APPLICATION TO SELL ALCOHOLIC BEVERAGES

APPLICANT: YERBA BUENA CENTER FOR THE ARTS

TYPE OF LICENSE: 64 - ON-SALE GENERAL THEATER

BUSINESS NAME:

ADDRESS OF PREMISES: 701 MISSION ST. ST. CALIFORNIA 94103-3738

APPLICANT HAS FILED FOR:  NEW LICENSE  PREMISES TO PREMISES TRANSFER  
 CHANGE IN LICENSE PRIVILEGES

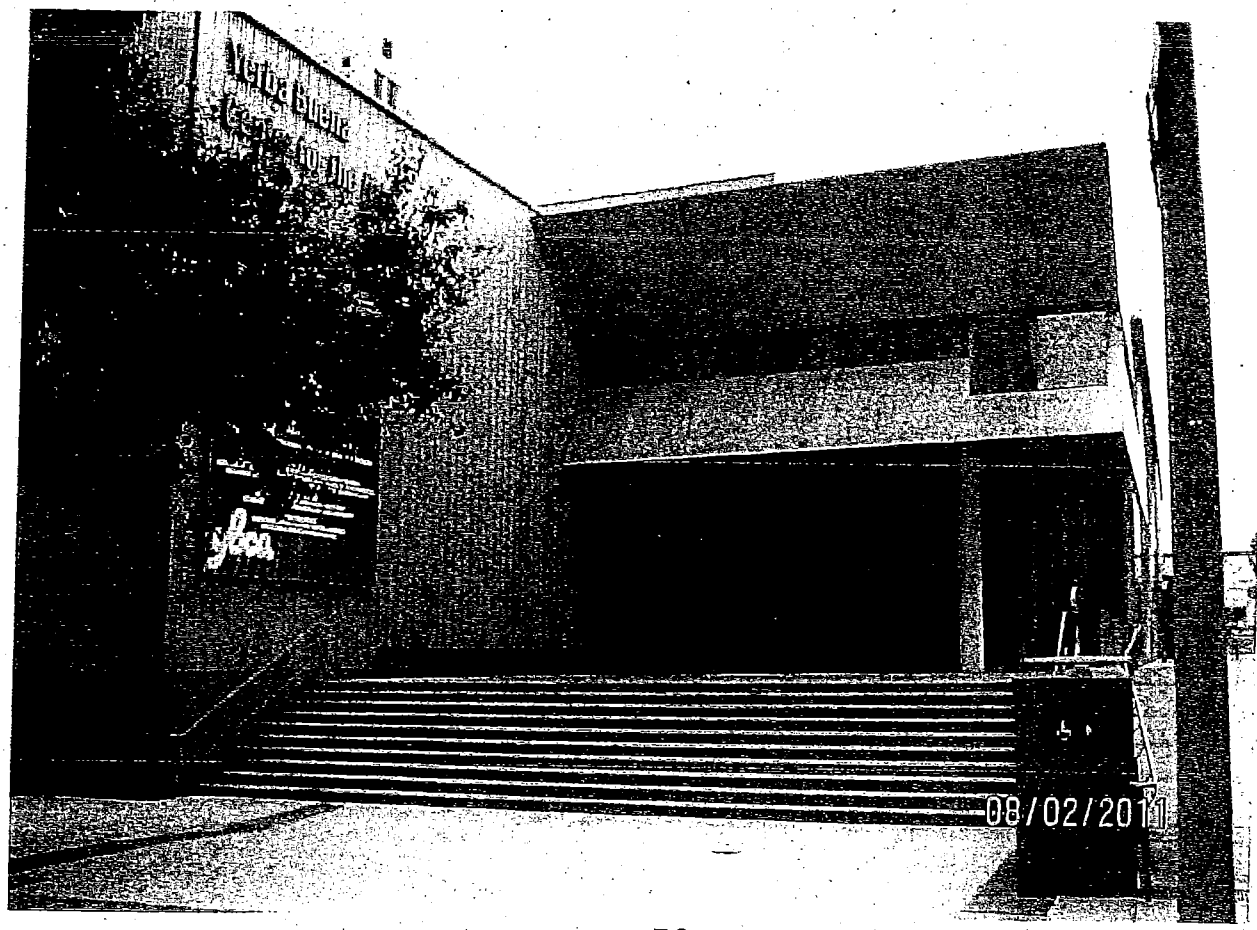
IF A VERIFIED PROTEST IS TO BE MADE AGAINST THIS APPLICATION, IT MUST BE RECEIVED BY ANY OFFICE OF THE DEPARTMENT OR DEPARTMENTAL HEADQUARTERS, 3027 LENHANE DRIVE, SUITE 100, SACRAMENTO 95834, WITHIN 30 DAYS OF DATE POSTED. PROTESTS MUST BE VERIFIED. FURTHER INFORMATION REGARDING THIS APPLICATION AND VERIFICATION FORMS MAY BE OBTAINED AT:

SACRAMENTO OFFICE  
1215 J STREET, SUITE 100  
SACRAMENTO, CALIFORNIA 95811

**WARNING:**  
Every person who intentionally or recklessly furnishes false information to the Department of Alcoholic Beverage Control is guilty of a crime under the laws of the State of California. Any person who furnishes false information to the Department of Alcoholic Beverage Control may be subject to criminal prosecution and civil penalties.

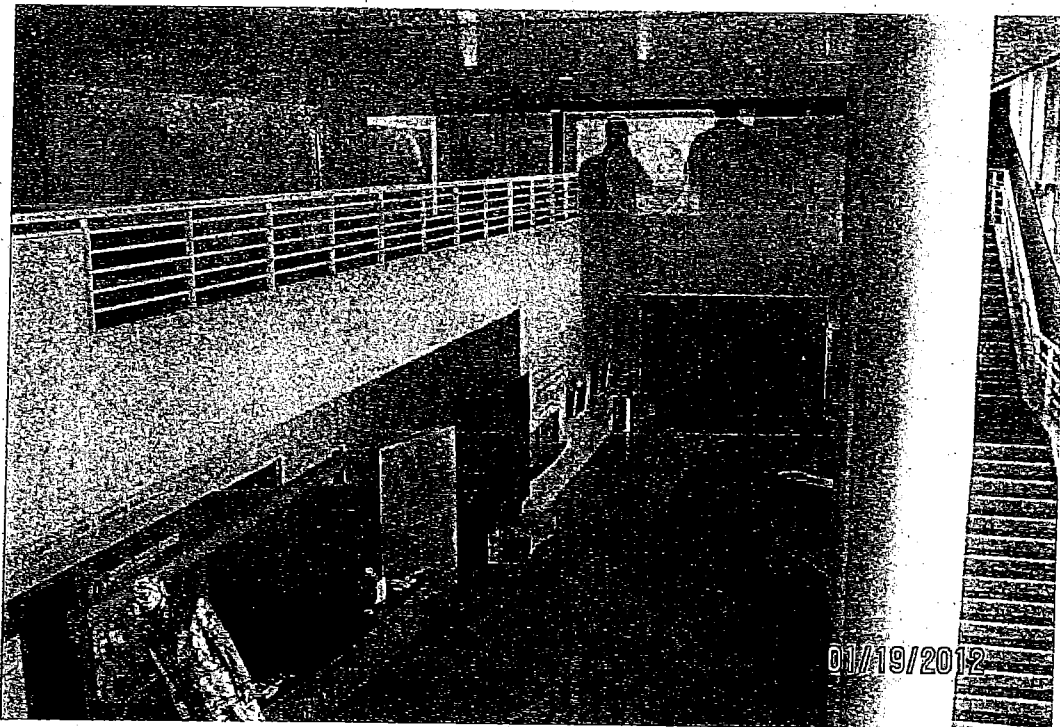
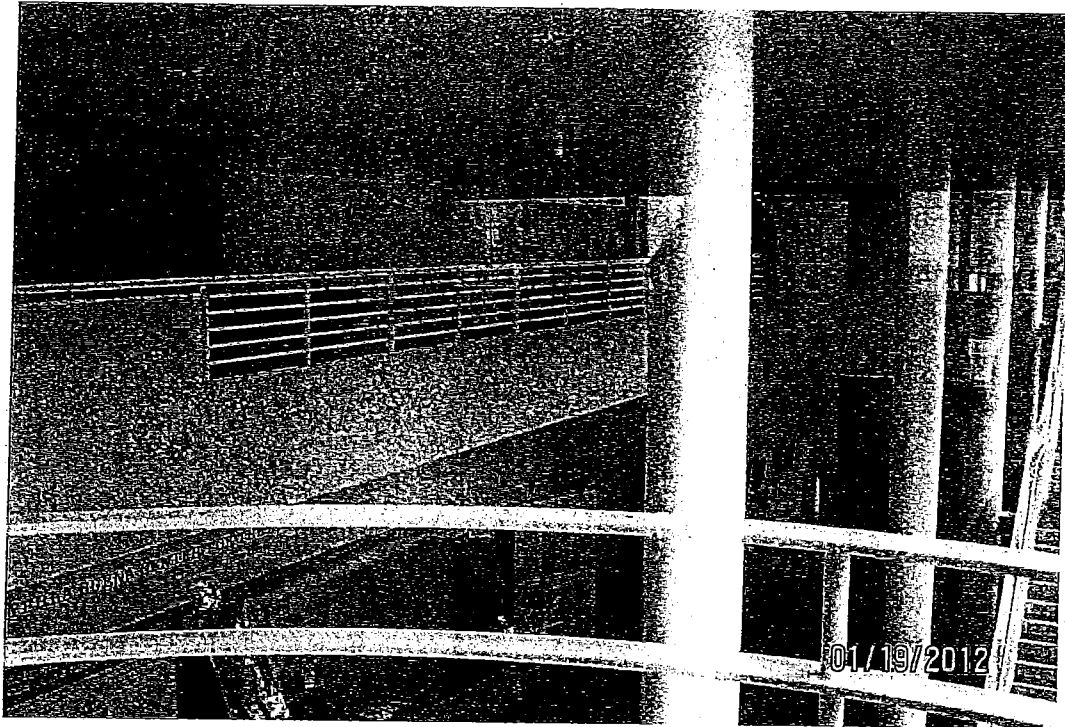
PREMISES ARE (NOT NOW) (ALREADY) LICENSED TO SELL ALCOHOLIC BEVERAGES.

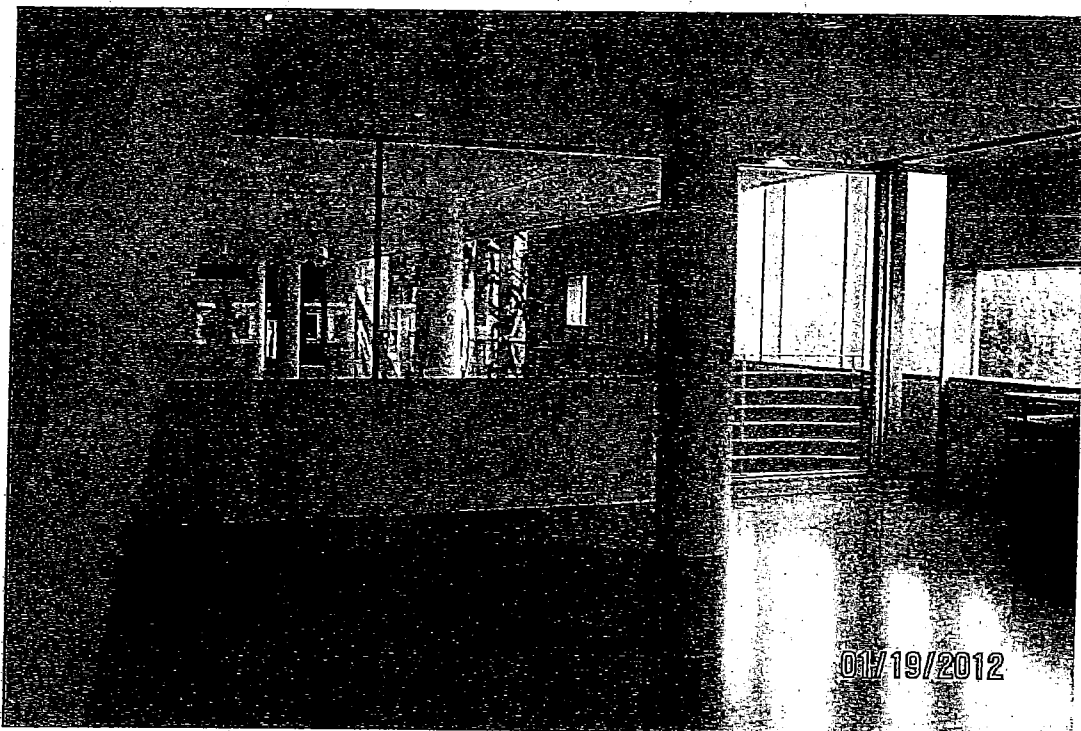
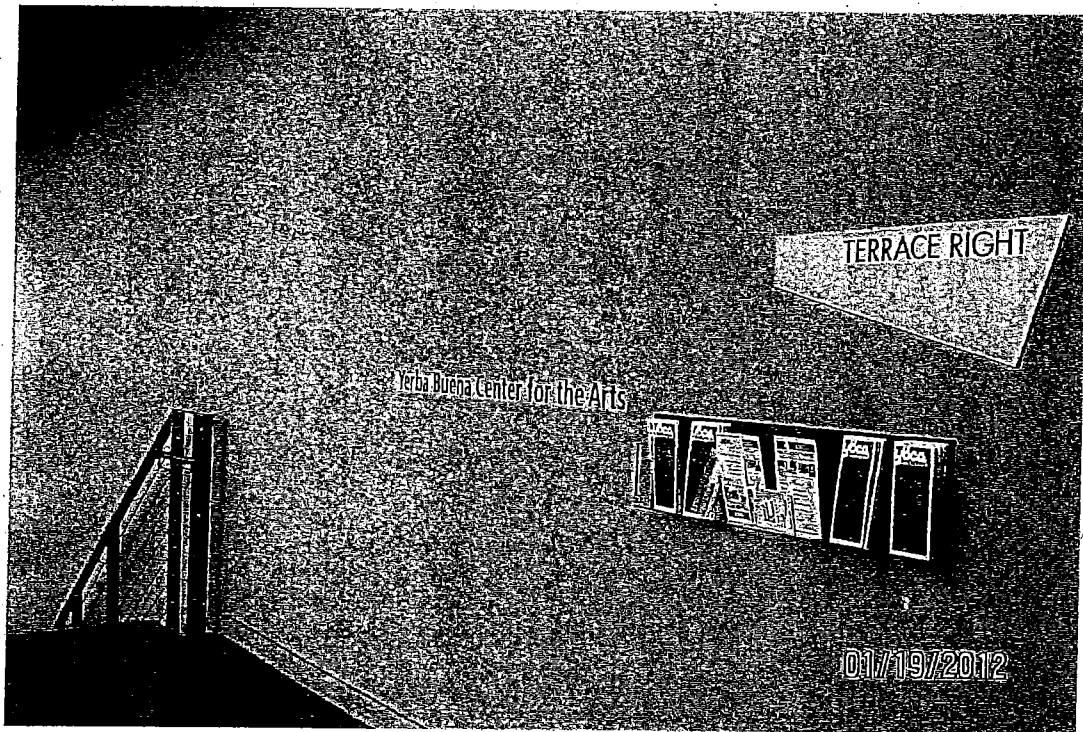
08/02/2011

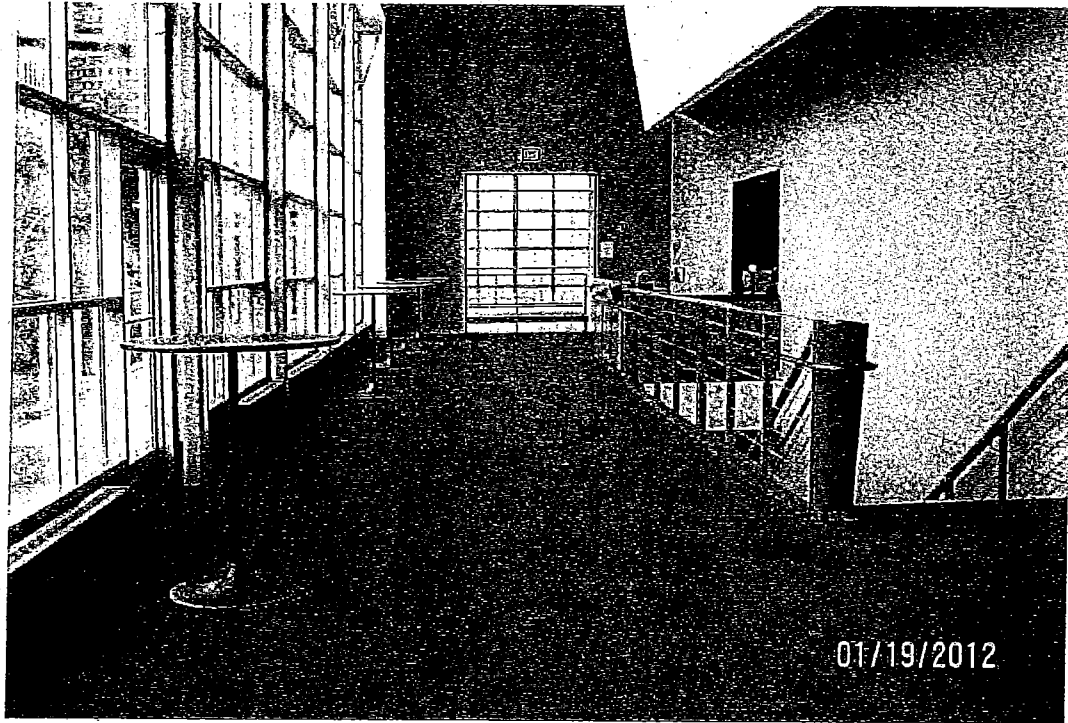


08/02/2011









## LIQUOR LICENSE REVIEW

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

**File:** 111260

*Block/lot: 3706/093*

*zoning: C-3-R*

*Quad: NE*

*MB # 1101950*

**TO:** Inspector Dave Falzon  
Police Department  
Fax No.: 553-1463

**DATE:** November 18, 2011

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This item is scheduled to be heard at a meeting on January 9, 2012. **PLEASE EMAIL YOUR RESPONSE BY:** January 5, 2012, to Gail Johnson, Clerk, City Operations and Neighborhood Services Committee.

**Gail.Johnson@sfgov.org - Fax No: 554-7714**

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**Applicant Name:** Jeanette Carvajal  
**and Business Name:** Yerba Buena Center for the Arts  
(701 Mission Street)

**Applicant Address:** Alcoholic Beverage Consulting Service  
26023 Jefferson Avenue, Suite D  
Murrieta, CA 92562  
**and Phone No.** (951) 698-6868

**PLANNING COMMENTS:**  Approval  Denial

*permitted per Planning Code Section  
218(b)  
Rick Carvajal 12/2/11*

**POLICE COMMENTS:**  Approval  Denial