File No. 120643 Committee Item No. 1
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: City Operations Date 7/30/12

Board of Supervisors Meeting Date _____

Cmte	Board	
☐	☐	Motion
☐	☐	Resolution
☐	☐	Ordinance
☐	☐	Legislative Digest
☐	☐	Budget and Legislative Analyst Report
☐	☐	Legislative Analyst Report
☐	☐	Youth Commission Report
☐	☐	Introduction Form (for hearings)
☒	☐	Department/Agency Cover Letter and/or Report
☐	☐	MOU
☐	☐	Grant Information Form
☐	☐	Grant Budget
☐	☐	Subcontract Budget
☐	☐	Contract/Agreement
☐	☐	Form 126 – Ethics Commission
☐	☐	Award Letter
☒	☐	Application
☒	☐	Public Correspondence

OTHER (Use back side if additional space is needed)

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Completed by: Derek Evans Date 7/26/12
Completed by: _____ Date _____

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

FILE NO. 120643 **RESOLUTION NO.** _____

[Liquor License Transfer, 398-12th Street]

Resolution determining that the premise to premise transfer of a Type 48 on-sale general public premises liquor license from 2700-16th Street to 398 12th Street (District 6) to Mark E. Rennie for Double Rainbow, LLC, dba Roadhouse Tavern, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

WHEREAS, Mark E. Renne is seeking a transfer of a Type 48 on-sale general public premises liquor license from 2700-16th Street to 398 12th Street for Double Rainbow, LLC, dba Roadhouse Tavern; and,

WHEREAS, The Planning Department has verified that the area is properly zoned and recommends approval; now, therefore, be it

RESOLVED, That in accordance with Section 23958.4 of the California Business and Professions Code, the Board of Supervisors of the City and County of San Francisco hereby determines for the foregoing reasons that the transfer of a Type 48 on-sale general public premises liquor license from 2700-16th Street to 398 12th Street for Double Rainbow, LLC, dba Roadhouse Tavern, will serve the public convenience or necessity of the people of the City and County of San Francisco.

Conditions: (1) Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 11:00 a.m. and 2:00 a.m. daily. (2) No noise shall be audible beyond the area under the control of the licensee(s) as defined on ABC-257. (3) The sale of alcoholic beverages for consumption off the premises is strictly prohibited. (4) 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 control of the licensee as depicted on the ABC-257. (5) The petitioner shall utilized electronic surveillance and recording equipment that is able to view all exits and entrance points of the exterior of the premises. The electronic surveillance/recording shall be operational at all times that the premises open to the public. Said electronic recording shall be maintained and kept for a minimum of seven (7) days, and shall be made available to Law Enforcement on demand. (6) Petitioner shall not make structural changes in the premises interior without prior written approval from the Department. (7) The licensee shall provide security as needed. Security personnel shall be readily identifiable as security by wearing distinctive clothing that has a logo of the establishment and the apparel shall state "SECURITY STAFF". (8) 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. Additionally, the position of such lighting shall not disturb the normal privacy and use of any neighboring residences.

120643

MARK E. RENNIE
ATTORNEY AT LAW
870 MARKET STREET
THE FLOOD BUILDING, SUITE 1260
SAN FRANCISCO, CALIFORNIA 94102

(415) 981-4500

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 MAY 24 AM 9:10
BY

May 18, 2012

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

Re: Double Rainbow, LLC dba **Roadhouse Tavern**
California ABC Liquor License Transfer
398 – 12th Street, San Francisco, CA 94103-4330
Public Convenience and Necessity Determination Request
ABC Type 48 License—On-Sale General Public Premises
Premises-PremisesTransfer from 2700 -16th Street. SF CA 94103

Dear Ms. Cavillo:

This office represents Double Rainbow, LLC dba **Roadhouse Tavern.** My clients have applied to the California Department of Alcoholic Beverage Control (ABC) to transfer an On-Sale General Public Premises license to the premises at 398 – 12th Street, San Francisco, CA 94103-4330. This particular address has been licensed as a bar and nightclub since December 1980.

The previous owner operated this venue as the Eagle Tavern, a much- beloved institution in San Francisco's LGBT community and in the South of Market neighborhood. The location is unique in San Francisco and features a very large outdoor patio, garden and grilling area. There is also an outdoor stage which has historically featured local musicians and bands. This patio has hosted hundreds of fundraisers over the past three decades, primarily for HIV related charities.

After some 30 years the Eagle Tavern encountered financial problems and the previous owner closed the operation and removed their liquor license. The closing of the Eagle attracted a great deal of media attention. Unfortunately, much of what was reported was inaccurate and misstated the situation with the lease extension.

My client's family has owned the property for over 40 years and now wishes to place a new ABC license on the venue and reopen the business. It is our intention to maintain the spirit and layout of the location. We will upgrade the patio and the restrooms while maintaining the historic feel and charm of the business. During remodeling we will make the venue fully ADA compliant with new accessible bathrooms and other path-of-travel ADA upgrades. We will also add new soundproofing to insure the quiet enjoyment of nearby residences.

The Roadhouse tavern will continue hosting fundraisers with a special emphasis on LGBT and HIV charities. Besides these fundraisers it is my client's intention to support the local community with food drives, Christmas dinners and benefits for local charities and arts groups. We also intend to continue the much- beloved Thursday night live music events.

Given the historical importance of this business, and the value of this venue to the local music and LGBT community, we believe that its reopening will serve the local neighborhood as well as the larger San Francisco community and tourist economy. According to the California Arts Council, the Arts and Culture sector of the tourism industry in California tops $17 billion in annual expenditures—one out of every four tourism dollars. San Francisco's tourist industry generates over $6 billion and is the number one industry in the City. This venue has been and hopefully will be in the future a dynamic part of our culture and tourism industry.

The reopening of this business at 398- 12th Street will add approximately 30 jobs to the San Francisco economy, as well as continuing sales tax revenue for the City. The large outdoor patio will be a valuable resource to the neighborhood and to San Francisco entertainment community. This location, with its large walled outdoor patio and sunny inner-Mission climate, is unique and different from any other bar, lounge or nightclub in San Francisco. The applicant is open to the imposition of conditions to address any community or law enforcement concerns.

The approval by the Board of Supervisors of this ABC License would not have any detrimental effect on the surrounding neighborhood or the city of San Francisco. Historically, the clientele of this operation fit well into the existing neighborhood and has posed no public safety problems in the past. The Eagle Tavern has been a good neighbor and positive influence in the neighborhood and The Roadhouse Tavern will likewise be a good neighbor and an asset to the community.

For the reasons outlined above, applicant Double Rainbow, LLC dba **Roadhouse Tavern** respectfully request that this letter be forwarded to the City Operations and Neighborhood Services Committee of the Board and that this Committee and the full Board of Supervisors make a determination under California Business and Professions Code § 23958.4 that the public need or convenience would be served by the issuance of a Type-48 liquor license to **Roadhouse Tavern** at 398- 12th Street

Thank you for your consideration of this request.

Yours truly,

Mark E. Rennie

MER/mb Cc: Inspector Ken Stocker, SFPD

LIQUOR LICENSE REVIEW

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

File: 120643

Block/lot: 3522/014
Zoning: SLR
Quad: SE
MB #120206

TO: Inspector Kenneth Stocker
Police Department
Fax No.: 553-1463

DATE: June 6, 2012

This item is scheduled to be heard at a meeting on July 23, 2012. **PLEASE EMAIL YOUR RESPONSE BY:** July 19, 2012, to Gail Johnson, Clerk, City Operations and Neighborhood Services Committee.
Gail.Johnson@sfgov.org - Fax No: 554-7714

Applicant Name: Mark E. Rennie
and Business Name: Roadhouse Tavern (398-12th Street)

Applicant Address: 870 Market Street
The Flood Building, Suite 1260
San Francisco, CA 94102
and Phone No. (415) 981-4500

PLANNING COMMENTS: ☒ **Approval** ☐ **Denial**

All Retail Sales, including Bars, are principally permitted in SLR per P.C. Sec. 816.31. Type 48 license is permitted w/ a Bar per P.C. Sec. 790.22.

[signature] 7/3/12

POLICE COMMENTS: ☐ **Approval** ☐ **Denial**

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 Sean Elsbernd
Supervisor Carmen Chu
Supervisor Christina Olague

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

Date: June 20, 2012

Subject: P.C.N. Investigation Regarding: Double Rainbow LLC
DBA: Roadhouse Tavern
398-12th Street
Mark E Rennie
(408) 981-4500

Mark Rennie on behalf of Double Rainbow LLC has filed an application with the California Department of Alcoholic Beverage Control seeking a Person to Person/Premises to Premises- Type 48 (On-Sale General for Public Premises) bar license for 398-12th Street (located on the northwest corner of 12th Street and Harrison Street).

It should be noted that during the application process, notification date for the 500' mailer was on October 11, 2011. The Notice to the Public was posted on October 9, 2011.

For the purposes of this hearing, the California Department of Alcoholic Beverage Control (ABC) seeks a determination from the Board of Supervisors as to the approval or denial of this license.

Police Calls for Service: From September 2010 to September 2011

No Record

Police Reports: From September 2010 to September 2011

No Record

San Francisco Plot Information:

This premise is located in Plot **204**

The High Crime area is defined as 215 or more police reports in a plot.

This plot had **559** police reports recorded for *2010.* This is **OVER** the High Crime area definition by **344** police reports.

The applicant premises **is** located in a "High Crime" area.

State Census Tract Information:

This premise is located in Census Tract **177**

Population for this tract is: **1,777**

On-sale license authorized by census tract: **7**
Active on-sale licenses: **33**

Off-sale licenses authorized by census tract: **2**
Active off-sale licenses: **9**

Letters of Protest:

No record with the California Department of Alcoholic Beverage Control, (ABC).

Letters of Support:

No record with the California Department of Alcoholic Beverage Control, (ABC).

Departmental Recommendation:

No opposition from **Southern Station**

ALU recommends approval. The following conditions have been recommended to the California Department of Alcoholic Beverage Control, (ABC):

1. Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 11:00 a.m. and 2:00 a.m. daily.

2. No noise shall be audible beyond the area under the control of the licensee(s) as defined on the ABC-257.

3. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.

4. 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.

5. The petitioner shall utilized electronic surveillance and recording equipment that is able to view all exits and entrance points of the exterior of the premises. The electronic surveillance/recording shall be operational at all times that the premises open to the public. Said electronic recording shall be maintained and kept for a minimum of seven (7) days, and shall be made available to Law Enforcement on demand.

6. Petitioner shall not make structural changes in the premises interior without prior written approval from the Department.

7. The licensee shall provide security as needed. Security personnel shall be readily identifiable as security by wearing distinctive clothing that has a logo of the establishment and the apparel shall state "SECURITY STAFF".

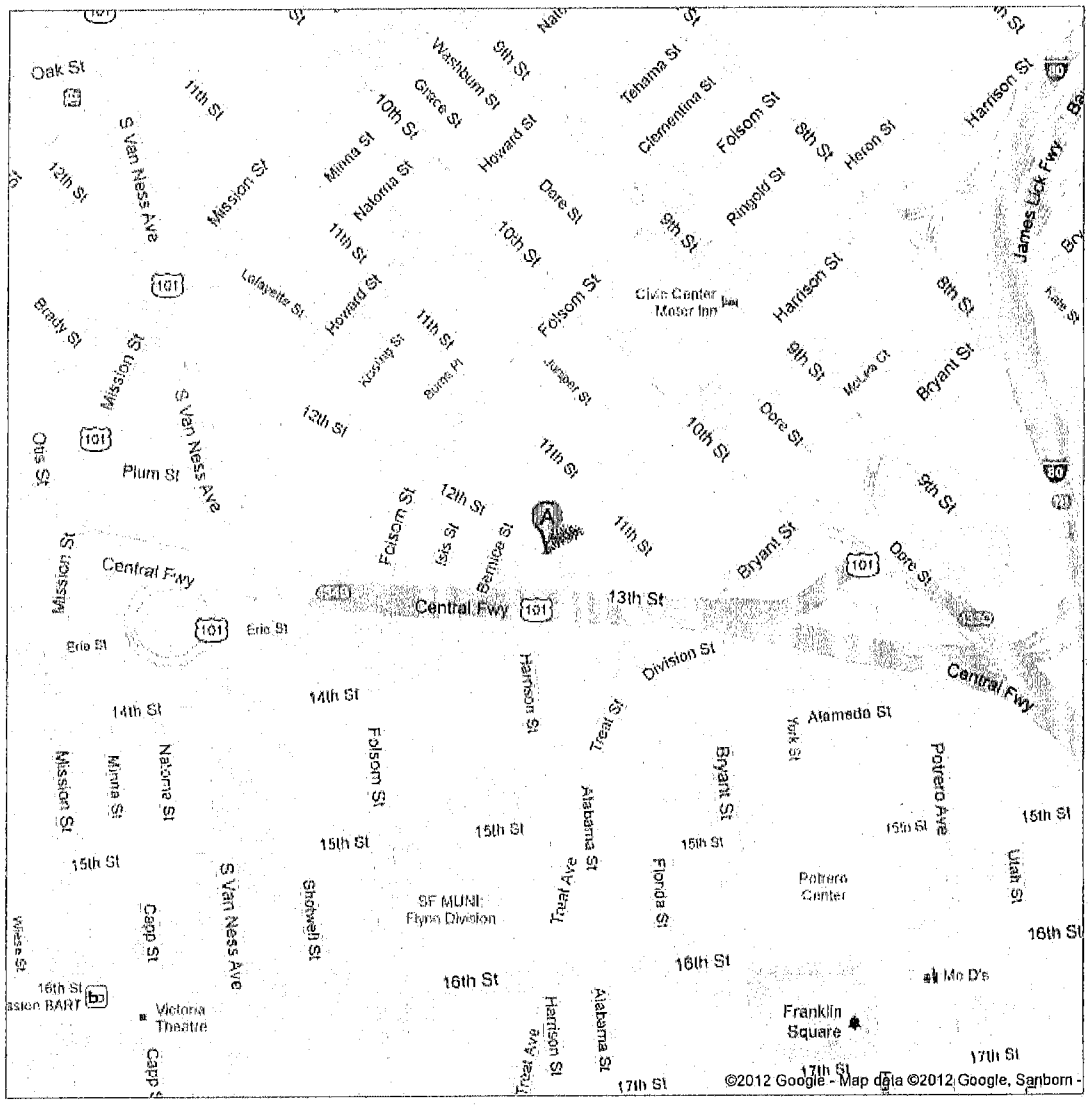
8. The exterior of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the premises. Additionally, the position of such lighting shall not disturb the normal privacy and use of any neighboring residences.

Thank you.

Google

Address **398 12th St**
San Francisco, CA 94103

Roadhouse Tavern
48-513951



SOUTHERN DISTRICT
Reporting Plots & Major Streets

T.I. Available Separately

Police Plot 204
2010 - CRIMES BY PLOT
HIGH CRIME:
559 incidents
215 - city average
344

San Francisco
Aug

U.S. Census Bureau

AMERICAN FactFinder

398-12th St- Census Tract 177

Legend:

Boundaries

- State
- '10 County
- '10 Census Tract

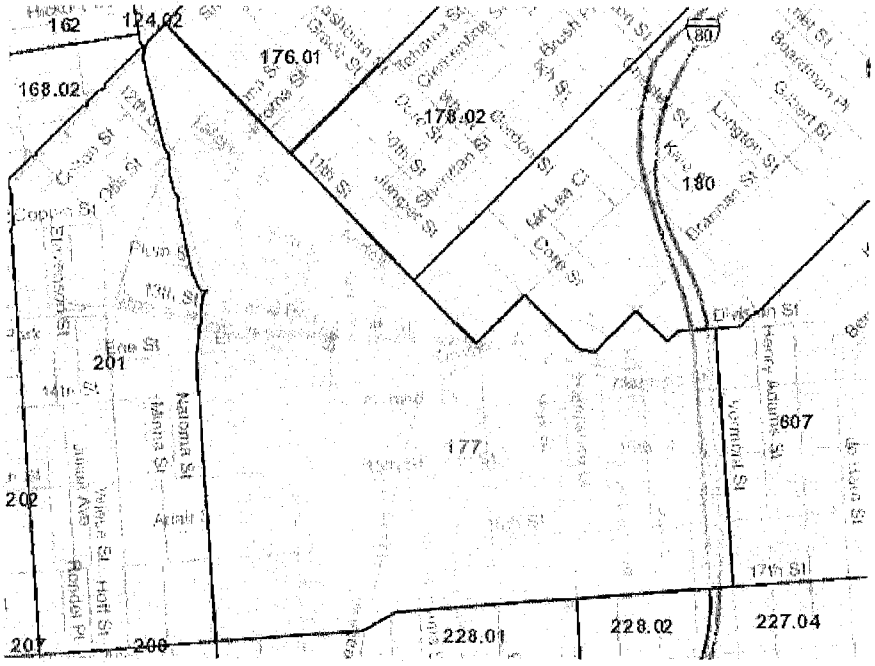
Features

- Major Road
- Street
- Stream/Waterbody

Your Selections

- Your Selections

Items in grey text are not visible at this zoom level

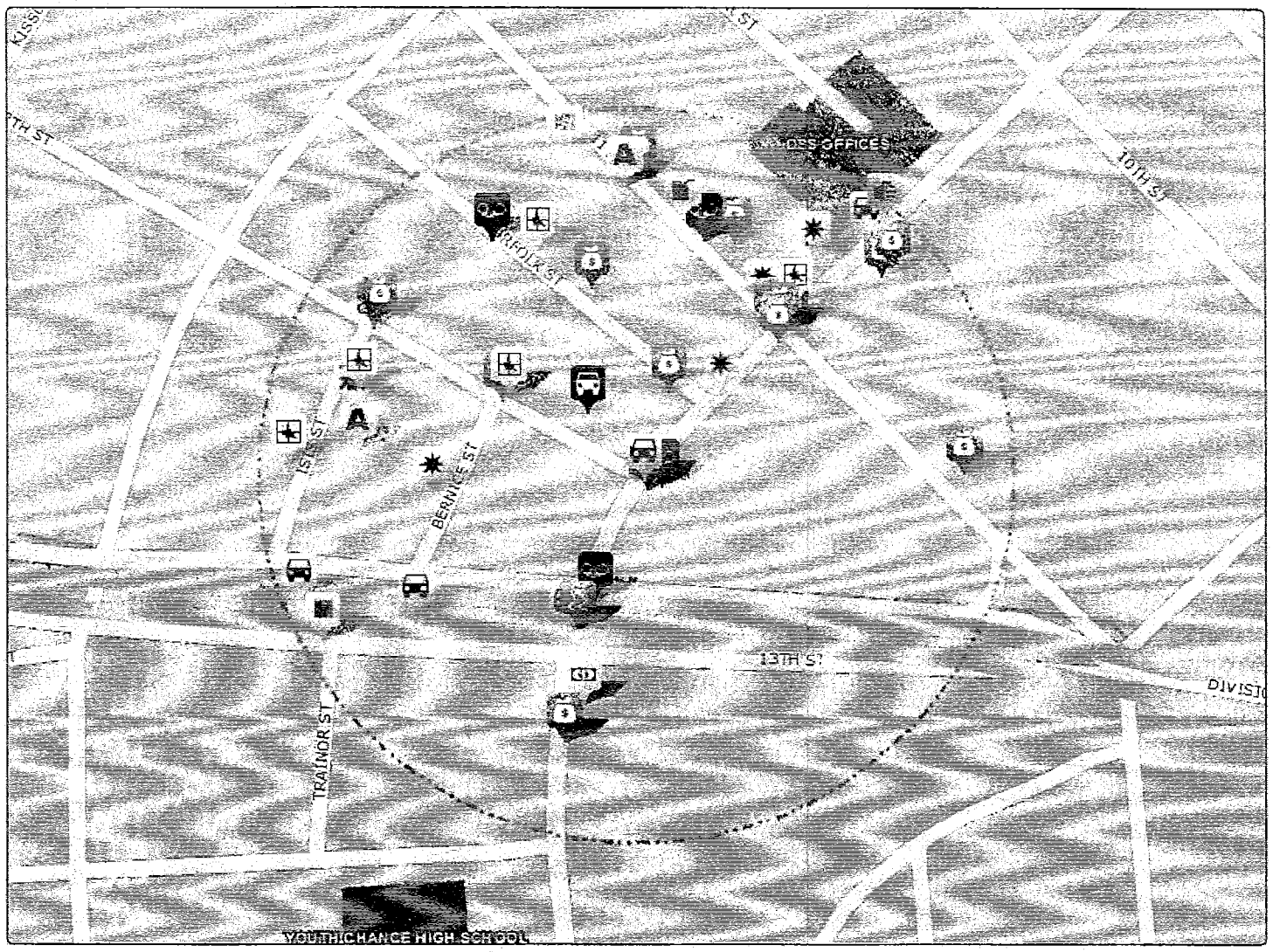


03/19/2012

398-12th Street-500 ft radius

09/02/2010-09/01/2011

San Francisco Police Department



Map Legend

Incidents (243)

- Larceny/Theft (86)
- Other Offenses (22)
- Warrants (19)
- Non-Criminal (17)
- Warrants (15)
- Assault (14)
- Burglary (12)
- Vehicle Theft (10)
- Vandalism (10)
- Suspicious Occurrence (8)
- Drug/Narcotic (7)
- Forgery/Counterfeiting (6)
- Fraud (4)
- Robbery (3)
- Trespassing (2)
- Missing Person (2)
- Secondary Codes (1)
- Arson (1)
- D.U.I. (1)
- Embezzlement (1)
- Recovered Vehicle (1)
- Disorderly Conduct (1)

All representations on this map are distributed and transmitted "AS IS" without warranties of any kind, either expressed or implied including without limitation, warranties of title or implied warranties of merchantability or fitness for a particular purpose. In no event shall San Francisco Police Department become liable to users of these data for any loss or damages, consequential or otherwise, including but not limited to time, money, goodwill, arising from the use, operation or modification of the data. The visual presentation of data is being provided strictly as a courtesy, not as an obligation to its users.

WARNING: This map does not meet the national map accuracy standards.

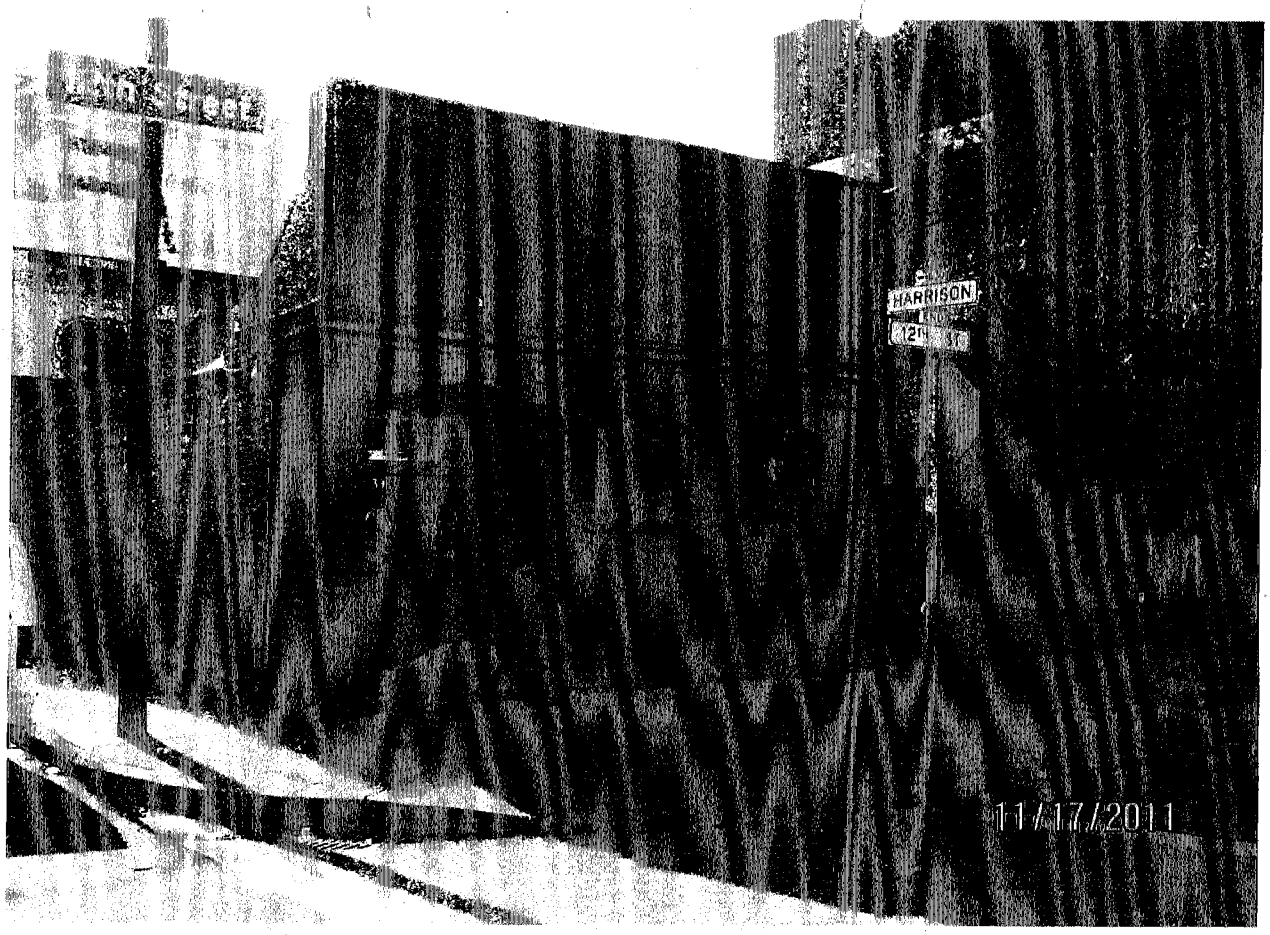
CrimeView Server
Printed: 3/19/2012 10:56:09 AM

Call No	Agency	Call Type	Disposition
Report No	Jurisdiction	Dispatch Area	# Prior Calls
Unit ID	Origin	Dept ID	Priority
Rep Area	Area	Sector	
Location 398-12TH ST			Range
Apartment	City		
Entry Oper	Dispatch Oper		
From Date 03/01/2011	To Date 09/01/2011	From Time	To Time
Comments			
Search			

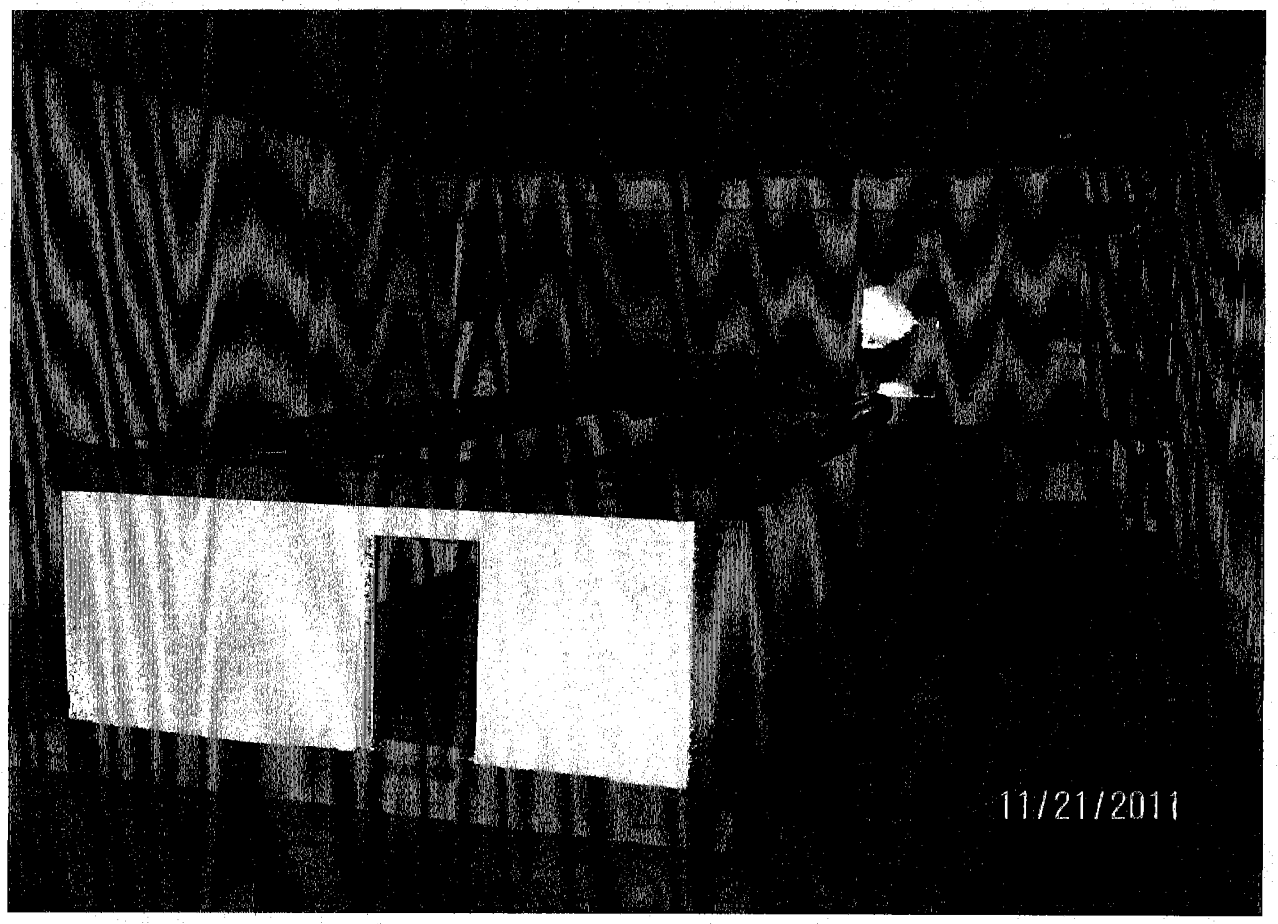
No hits found

Call No	Agency	Call Type	Disposition
Report No	Jurisdiction	Dispatch Area	# Prior Calls
Unit ID	Origin	Dept ID	Priority
Rep Area	Area	Sector	
Location 398-12TH ST			Range
Apartment	City		
Entry Oper	Dispatch Oper		
From Date 09/01/2010	To Date 03/01/2011	From Time	To Time
Comments			
Search			

No hits found


HARRISON
21ST
11/17/2011

11/21/2011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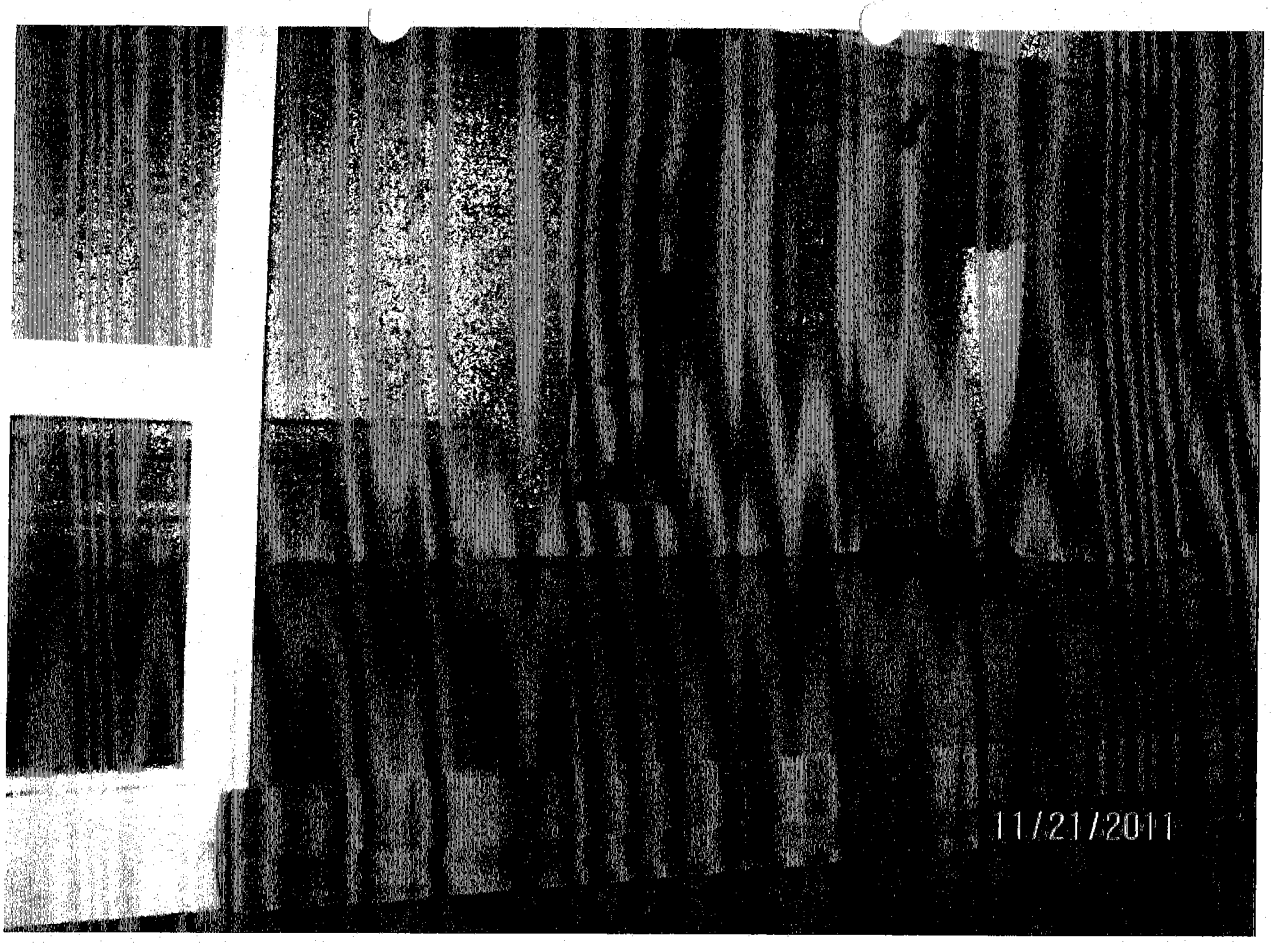
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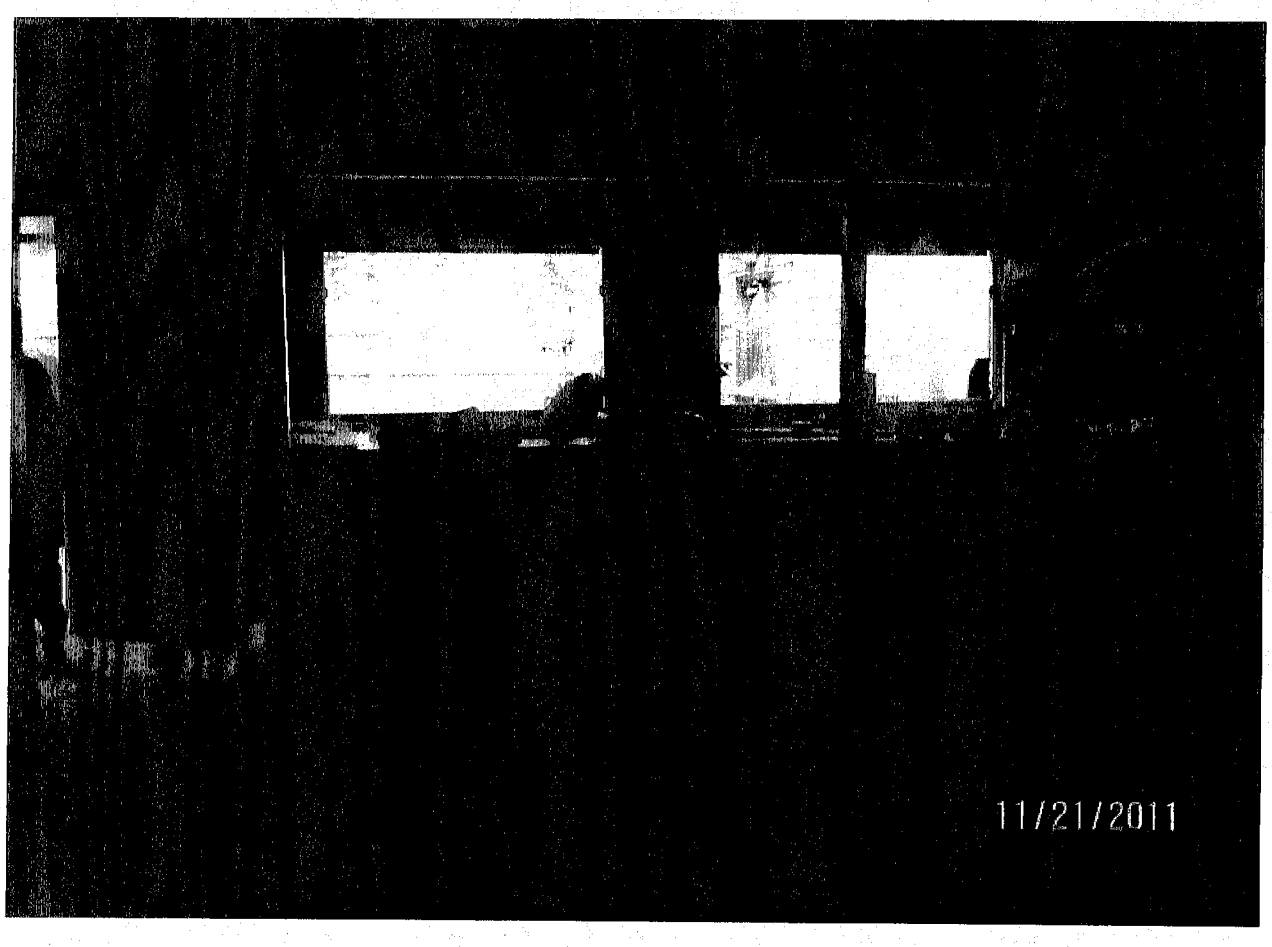
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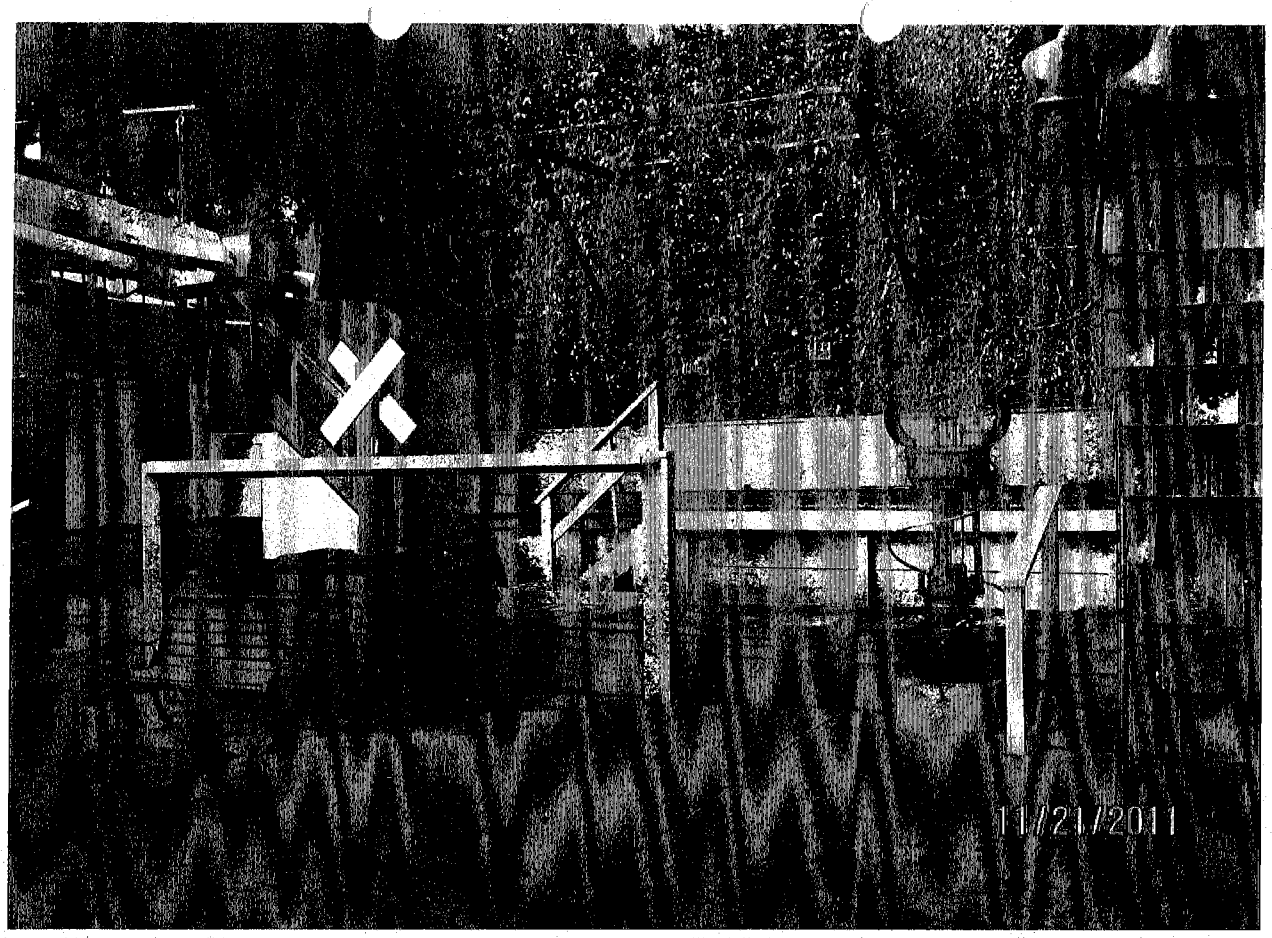
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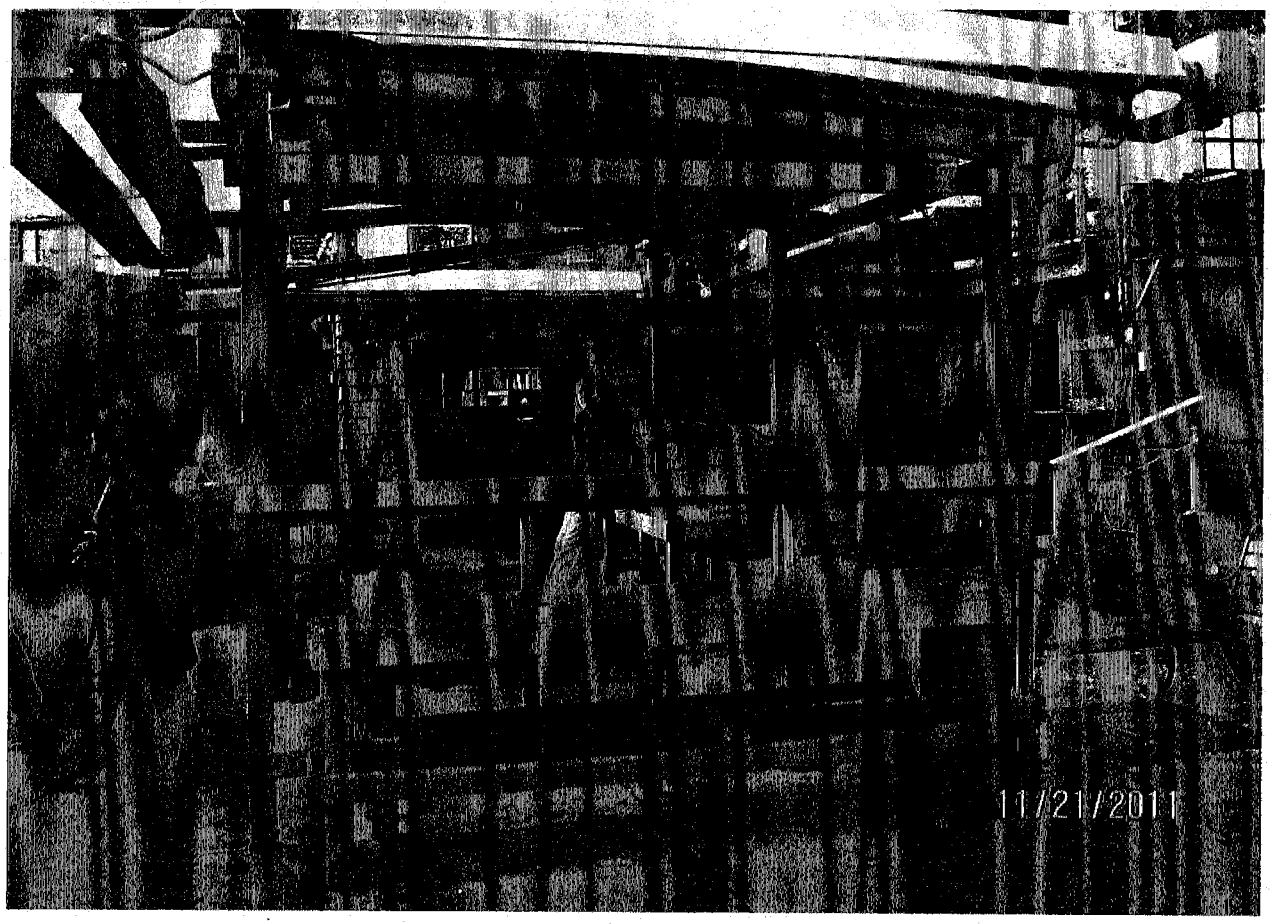
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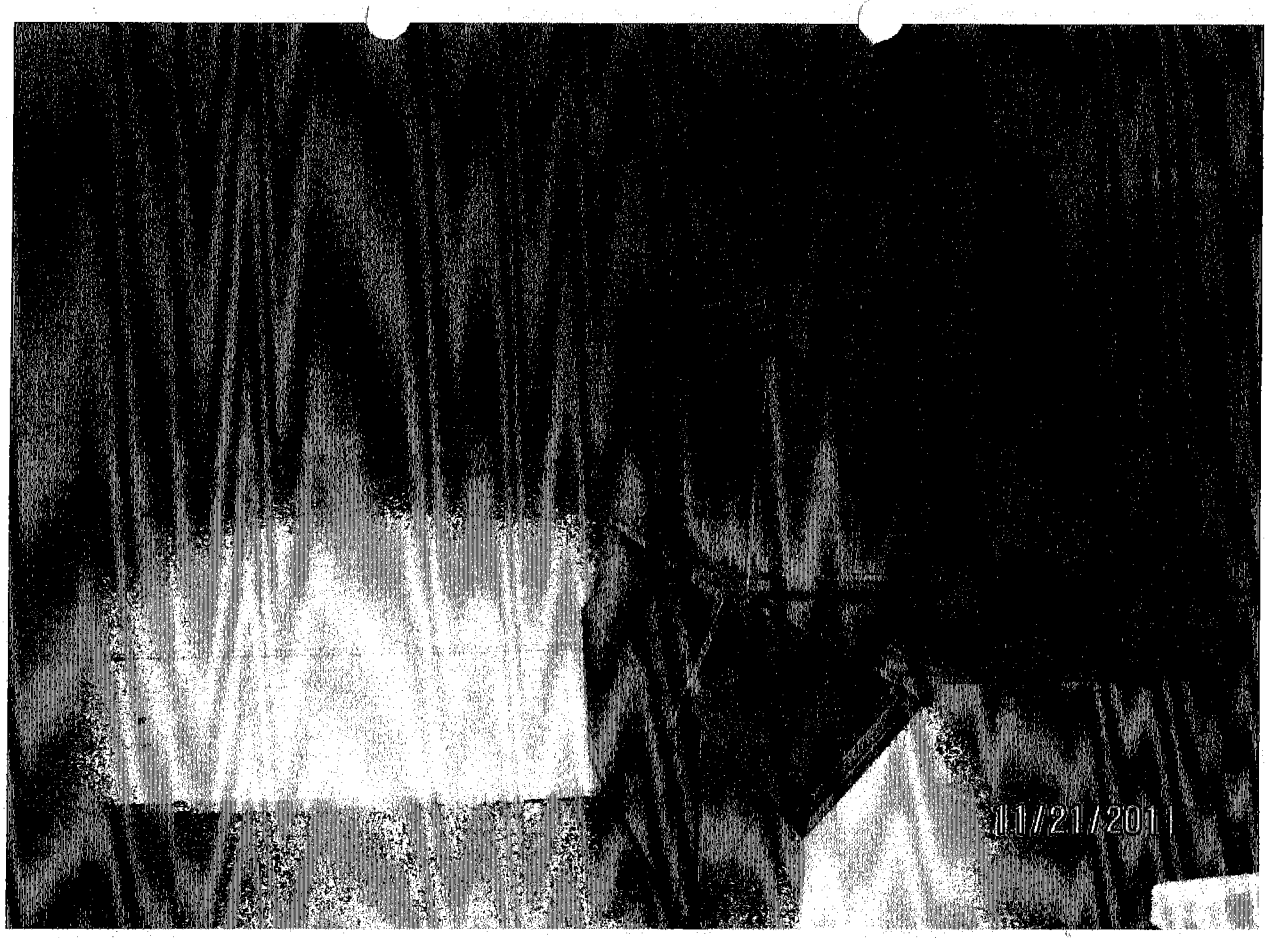
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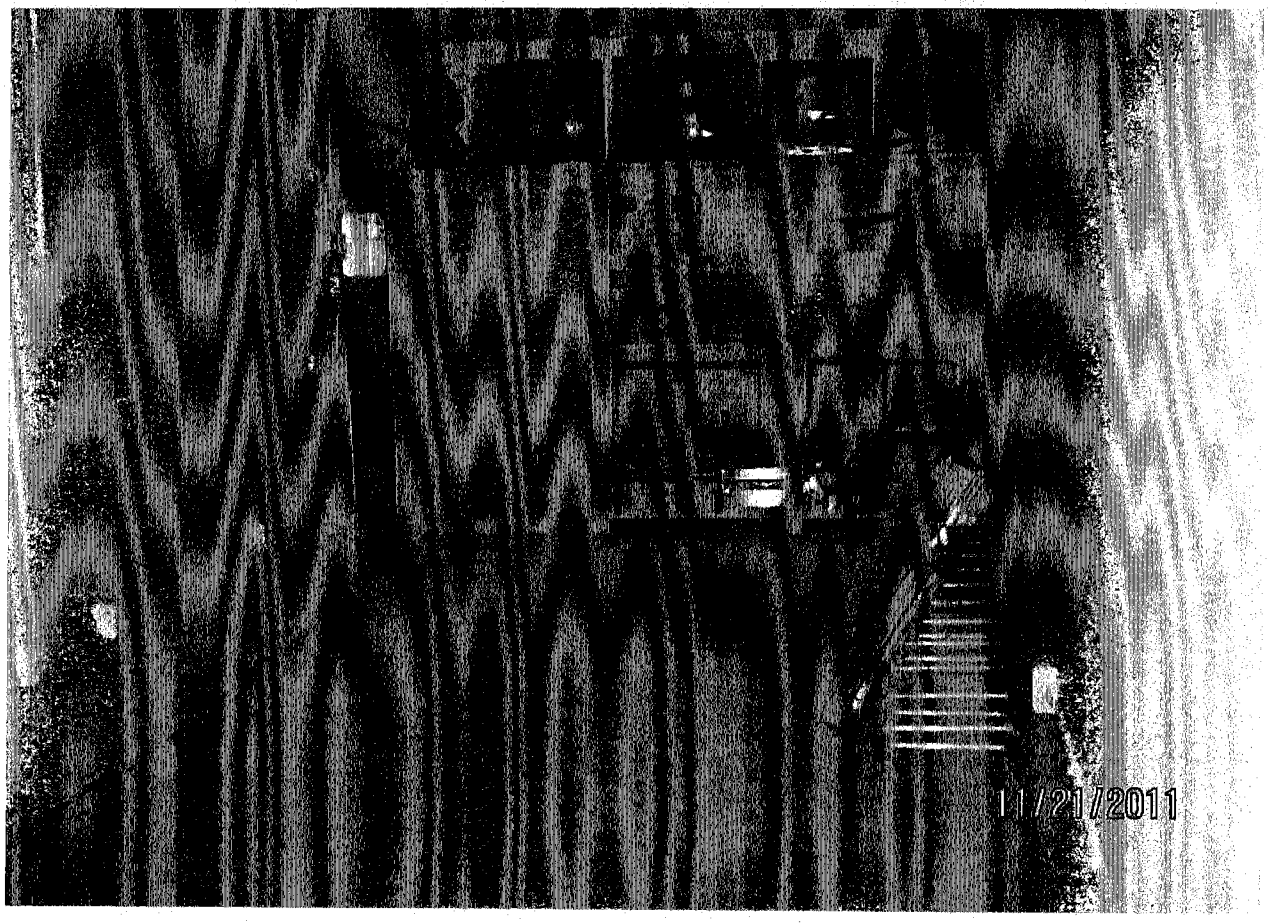
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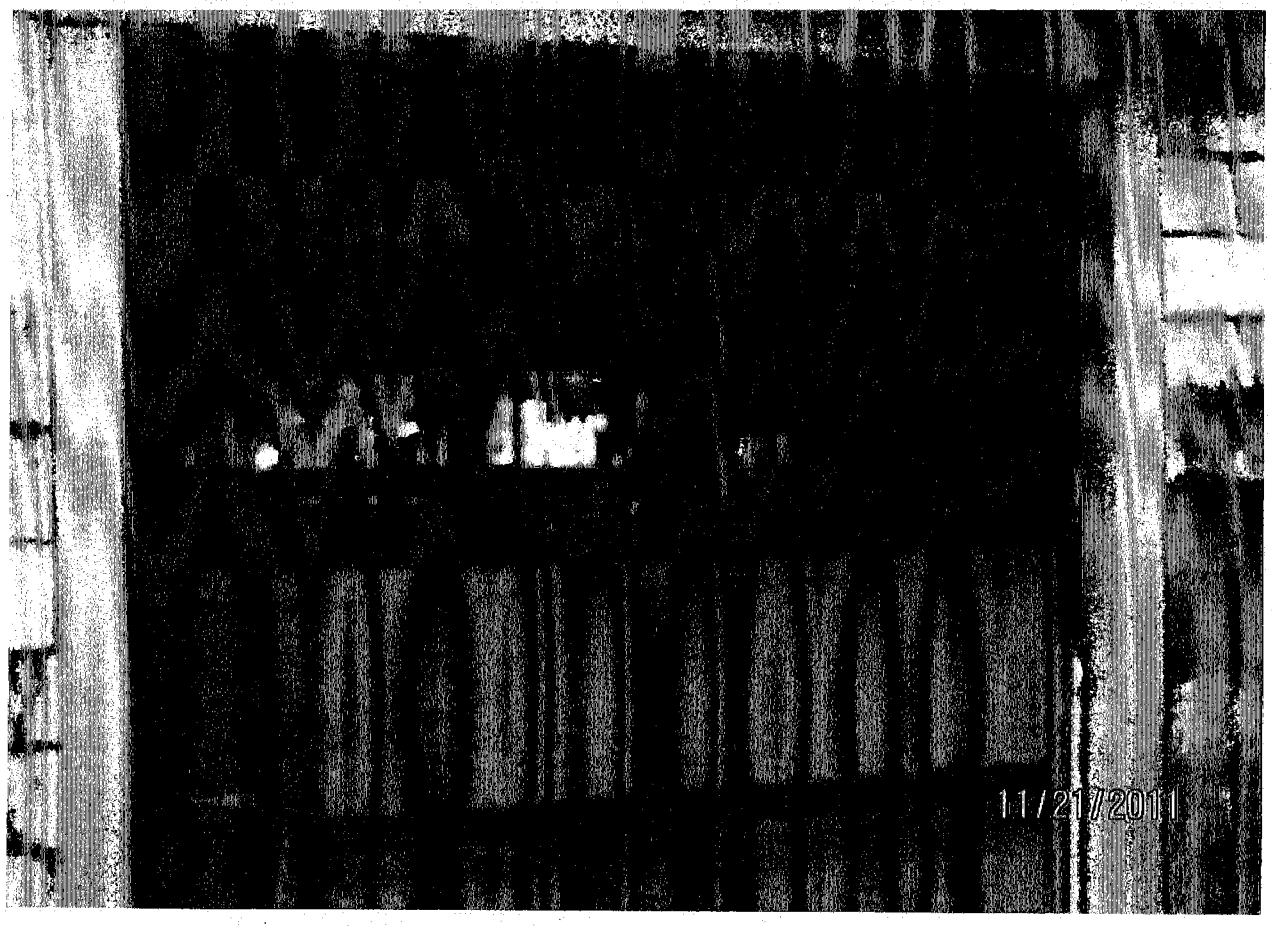
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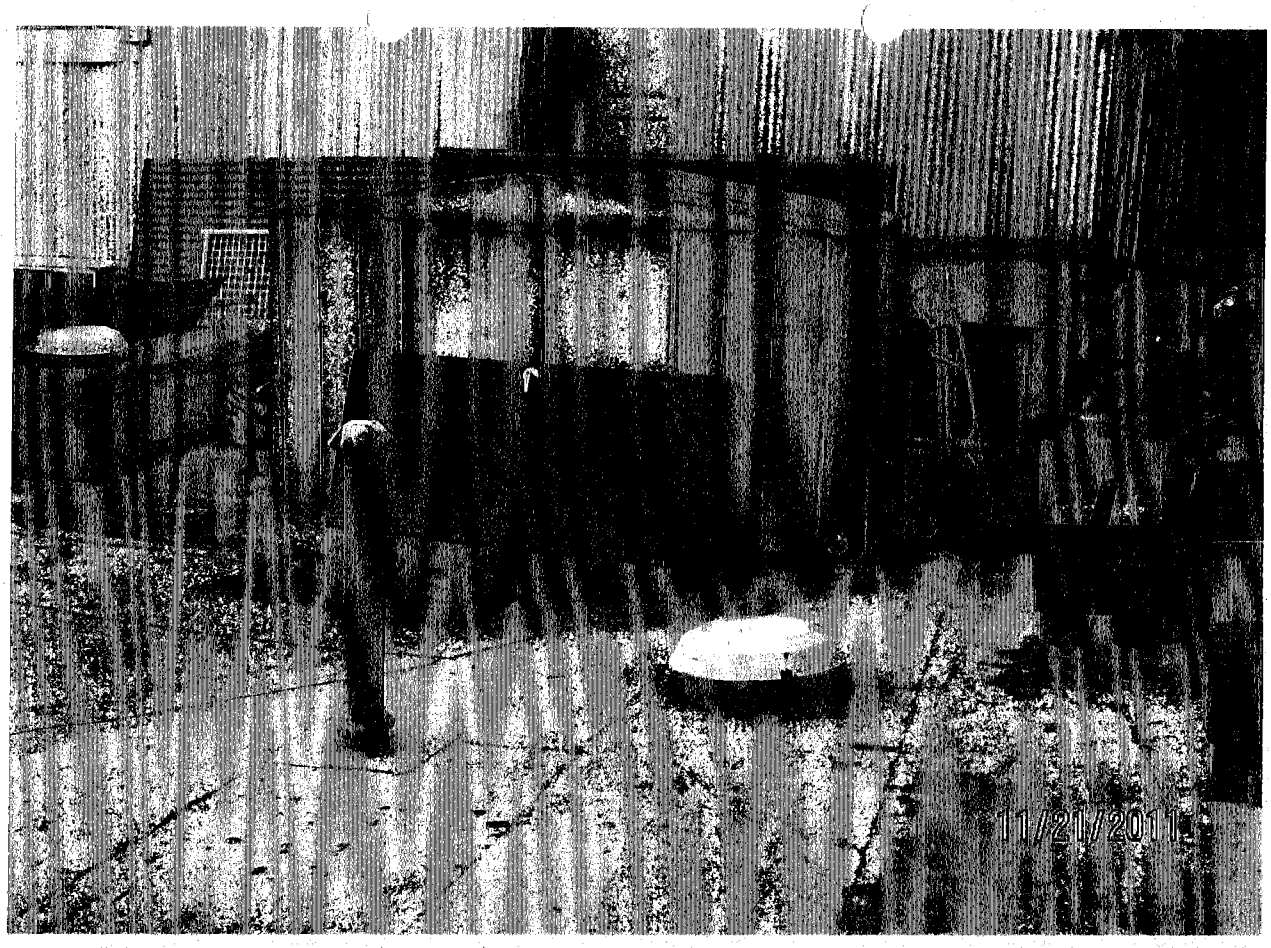
11/21/2011

11/21/2011

7.9.12
398 12TH ST #1206
Received in Committee

Bio

Co-founder of Foreign Cinema restaurant, Bruce McDonald is a restaurateur with a broad business background. Mr. McDonald started his career in hospitality as a dishwasher, prep cook and busboy in high school before leaving the industry and pursuing a career in software engineering and management consulting. He earned a BA in Engineering Sciences from Dartmouth College, spent 5 years working software development which included several years in Japan where he became fluent in Japanese, tasting sake and eating sushi. Mr. McDonald returned to academia and earned an MBA from Northwestern University's Kellogg School of Management. He then spent the next five years working in management consulting for Booz Allen and Hamilton working on projects that spanned all industries and disciplines. This experience left him feeling rewarded but exhausted and ultimately thought there was something better in his future.

In 1999, Mr. McDonald joined forces with two other visionaries in the restaurant industry and opened Foreign Cinema to wide critical acclaim. Foreign Cinema has been ranked among the top 50 restaurants in the Bay Area by Michael Bauer of the San Francisco Chronicle every year it has been open. A year later they opened Laszlo, a successful DJ bar adjacent to Foreign Cinema. Mr. McDonald took control of the operation in 2001 when 9/11 and a lagging economy strained the business and has successfully run it along with chef/partners Gayle Pirie and John Clark since that time.

Recently Mr. McDonald and chefs Pirie/Clark opened Showdogs, an emporium of sausages, beer and other casual foods at the corner of 6th Street and Market Street in San Francisco. Again, the critics have raved about the house made sausages and condiments.

Mr. McDonald was also quoted recently in the Wall Street Journal about his experience opening Foreign Cinema:

"Entrepreneurs who've done their homework and have faith in their business plan may feel comfortable pressing ahead with a risky location, even if the landlord or owner of the space expresses doubts.

Bruce McDonald, co-owner of the Foreign Cinema restaurant in San Francisco's gritty Mission District, founded the establishment in 1998, leasing space that previously had high turnover, including some month-to-month tenants.

The owner of the building, Colleen Meharry, says she leveled with Mr. McDonald about the previous occupants, whose enterprises included a used-clothing store and a taco stand. "They were just lousy operators. They just looked good to me as long as they paid the rent."

Ms. Meharry says she had doubts about Mr. McDonald's business plan: wooing an upscale clientele with $30 entrees, a sophisticated atmosphere and foreign films projected in a central courtyard—all in one of the city's worst quarters. "Your car was more likely

to be stolen than valet-parked in that neighborhood back then," Ms. Meharry says. "There was a lot of crime."

True, says Mr. McDonald. But all of that had a certain appeal for the kind of customer he envisioned, he says. "I know that to be considered cool, some restaurants benefit from being in an area that's edgy," he says. "The fact that the neighborhood was a little bit rough was more positive than negative. So going into a place that hadn't been successful actually helped us."

Request for Committee Report- File 120643
Alexander Volberding to: Angela Calvillo 07/26/2012 11:02 AM
Cc: Sean Elsbernd, Derek Evans, Rick Caldeira

Clerk Calvillo,

On behalf of Supervisor Elsbernd, I would like to request that File 120643- Liquor License Transfer - 398 12th Street be considered by the Board of Supervisors as a committee report at the meeting of July 31. File 120643 will be heard at a special City Operations and Neighborhood Services (CONS) meeting on July 30, so that the Board may consider the item prior to the summer recess. The file was previously considered by the City Operations committee on July 9 when it was recommended for approval. At the full Board meeting of July 17, a motion was made referring File 120643 back to City Operations. The delay in considering the file and impending Board recess necessitate consideration of the file as a committee report.

Thank you for your consideration of the request.

Alexander Volberding
Office of Supervisor Sean Elsbernd (D7)
City and County of San Francisco
alexander.volberding@sfgov.org
w. (415) 554-6516

Sign up for Sup. Elsbernd's E-Newsletter-
http://www.sfgov.org/site/bdsupvrs_index.asp?id=48731

RE: File No. 120643 (398-12th Street)
Ray Alexander
to:
Derek.Evans
07/10/2012 02:21 PM
Hide Details
From: "Ray Alexander" <rmalex@rmalex.com>
To: <Derek.Evans@sfgov.org>,

Derek: Thanks for your diligence and follow-up on this.

Raymond M. Alexander, Jr.
Law Offices of Raymond M. Alexander, Jr.
214 Grant Avenue, Suite 400
San Francisco, CA 94108
(415) 989-9011
rmalex @rmalex.com

From: Derek.Evans@sfgov.org [mailto:Derek.Evans@sfgov.org]
Sent: Tuesday, July 10, 2012 12:33 PM
To: rmalex@rmalex.com
Subject: Re: File No. 120643 (398-12th Street)

Mr. Alexander,

Per your phone inquiry regarding File No. 120643 (398-12th Street Liquor License), I have received some clarification from the Police Department as to how the noticing process works. Inspector Julie Lazar informed me that noticing is required within the first 30 days of the application submittal, and the applicant is responsible for noticing addresses in a 500-foot radius. All the noticing requirements and actions are documented with ABC.

For this particular license, Inspector Lazar said that the noticing took place in October 2011.

Should you have any more questions, you can contact me or inquire directly with ABC: (415) 356-6500.

Regards,

Derek K. Evans
Board of Supervisors Committee Clerk
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102
P: (415) 554-7702 F: (415) 554-5163

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http://www.sfbos.org/index.aspx?page=104

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