

1 [Liquor License - 1981 Sutter Street]

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3 **Resolution determining that the issuance of a Type 42 on-sale beer and wine**
4 **license to Eben R. Marsh for Nighthawk’s LLC, dba Pinot’s Palette, located at**
5 **1981 Sutter Street (District 5), will serve the public convenience or necessity of**
6 **the City and County of San Francisco in accordance with California Business and**
7 **Professions Code, Section 23958.4, and recommending that the California**
8 **Department of Alcoholic Beverage Control impose conditions on the issuance of**
9 **the license.**

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11 WHEREAS, Eben Marsh is seeking the issuance of a Type 42 on-sale beer and
12 wine license for Nighthawk’s LLC, dba Pinot’s Palette located at 1981 Sutter Street
13 (District 5); and

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

16 WHEREAS, The Police Department has filed zero (0) protests and zero (0)
17 letters of support with the Department of Alcoholic Beverage Control under California
18 Business and Professions Code, Section 24013, and recommends that the Department
19 of Alcoholic Beverage Control issue the liquor license with conditions; and

20 WHEREAS, The conditions recommended by the Police Department are the
21 following: 1) sales, service, and consumption of alcoholic beverages shall be permitted
22 only between the hours of 12:00 p.m. and 10:00 p.m. daily; 2) no noise shall be audible
23 beyond the area under the control of the licensee as defined on the ABC-257; 3) the
24 petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the
25 premises over which they have control; 4) loitering (defined as “to stand idly about;

1 linger aimlessly without lawful business”) is prohibited on any sidewalks or property
2 adjacent to the licensed premises under the control of the licensee; 5) graffiti shall be
3 removed from the premises and all parking lots under the control of the licensee within
4 72 hours of application. If the graffiti occurs on a Friday or weekend day, or on a
5 holiday, the licensee shall remove the graffiti within 72 hours following the beginning of
6 the next week day; 6) the interior lighting maintained therein shall be sufficient to make
7 easily discernible the appearance and conduct of all persons and patrons in that portion
8 of the premises where alcoholic beverages are sold, served, delivered or consumed; 7)
9 the exterior of the premises shall be equipped with lighting of sufficient power to
10 illuminate and make easily discernible the appearance and conduct of all persons on or
11 about the premises. Additionally, the position of such lighting shall not disturb the
12 normal privacy and use of any neighboring residence; 8) petitioner shall not make
13 structural changes in the premises interior without prior written approval from the
14 Department; and 9) the sale of alcoholic beverages for off-sale is strictly prohibited;
15 now, therefore, be it

16 RESOLVED, That in accordance with California Business and Professions Code,
17 Section 23958.4, the Board of Supervisors of the City and County of San Francisco
18 hereby determines that the issuance of a Type 42 on-sale beer and wine license to
19 Eben Marsh, for Nighthawk’s LLC, dba Pinot’s Palette, located at 1981 Sutter Street
20 (District 5), will serve the public convenience or necessity of the City and County of San
21 Francisco; and, be it

22 FURTHER RESOLVED, That the Board of Supervisors of the City and County of
23 San Francisco hereby endorses and adopts the recommendations of the Police
24 Department listed above and recommends that the Department of Alcoholic Beverage
25 Control issue the license with those conditions.