

File No. 130245

Committee Item No. 2

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Neighborhood Services and Safety Date 5/16/13

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

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Completed by: Derek Evans Date 5/10/13

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.



San Francisco Police Department
ABC Liaison Unit



Alcoholic Beverage License -
Public Convenience or Necessity
Recommendation

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

Supervisor David Campos
Supervisor Eric Mar
Supervisor Norman Yee

From: Inspector Joseph Fong
ABC Liaison Unit (ALU) 553-1049

Date: April 26, 2013

Subject: P.C.N. Investigation Regarding:
DBA: Theatre Too Cafe
522 Sutter Street
San Francisco, CA 94102-1102
(415) 365-4004

Dan Kramer on behalf of Naser J. Zakout, has filed an application with the California Department of Alcoholic Beverage Control (ABC) seeking a Type 21 (Off-Sale General) license for 522 Sutter Street (located on the north side of Sutter Street cross of Powell Street).

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 December 2011 to December 2012

1

Police Reports: From December 2011 to December 2012

None

Notifications

Notification date for the 500' mailer was on November 6, 2012.

The Notice to the Public was posted on November 27, 2012.

San Francisco Plot Information:

This premises is located in Plot 158.

The High Crime area is defined as 86 or more police reports in a plot.

This plot had 380 police reports recorded for 2012.

Applicant premises is located in a "High Crime" area.

State Census Tract Information:

This premises is located in Census Tract 121.00

Population for this tract is: 3,833.

On-sale license authorized by census tract: 13.

Active on-sale licenses: 54.

Off-sale licenses authorized by census tract: 3.

Active off-sale licenses: 11.

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

Letters of Protest:

1 letter of protest is recorded 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 Central Police Station if the applicant agrees to the recommended conditions.

ALU recommends: Approval with the below conditions.

1. No noise shall be audible beyond the area under the control of the licensee(s) as defined on the ABC-257 dated 10/3012.

2. The sale of distilled spirits in sizes smaller than 200 ml is strictly prohibited.
3. No malt beverages shall be sold with an alcoholic content greater than 5.7% by volume.
4. Loitering (loitering is defined as "to stand idly about' linger aimlessly without lawful business") is prohibited on or around these premises or this area under the control of the licensee(s) as depicted on the ABC-257 dated 10/30/12.

The applicant agreed to the recommended conditions.

Thank you,



**California Department of Alcoholic
Beverage Control**
*License Query System Summary
as of 11/6/2012*

License Information
License Number: 527510
Primary Owner: ZAKOUT, NASER J
ABC Office of Application: 24 - SAN FRANCISCO
Business Name
Doing Business As: THEATRE TOO CAFE
Business Address
Address: 522 SUTTER ST Census Tract: 0121.00
City: SAN FRANCISCO County: SAN FRANCISCO
State: CA Zip Code: 94102
Licensee Information
Licensee: ZAKOUT, NASER J
License Types
1) License Type: 21 - OFF-SALE GENERAL
License Type Status: PENDING
Status Date: 02-NOV-2012 Term: 12 Month(s)
Original Issue Date: Expiration Date:
Master: Y Duplicate: 0 Fee Code: P40
License Type was Transferred On: FROM: 41-300194
Current Disciplinary Action
... No Active Disciplinary Action found ...
Disciplinary History
... No Disciplinary History found ...
Hold Information
Hold Date: 10-DEC-1994 Type: FORM 220
Hold Date: 02-NOV-2012 Type: FORM 220
Escrow
... No Escrow found ...

--- End of Report ---

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



**California Department of Alcoholic
Beverage Control**
*License Query System Summary
as of 11/6/2012*

License Information
License Number: 300194
Primary Owner: ZAKOUT, NASER J
ABC Office of Application: 24 - SAN FRANCISCO
Business Name
Doing Business As: THEATRE TOO CAFE
Business Address
Address: 539 SUTTER ST Census Tract: 0121.00
City: SAN FRANCISCO County: SAN FRANCISCO
State: CA Zip Code: 94102
Licensee Information
Licensee: ZAKOUT, NASER J
License Types
1) License Type: 41 - ON-SALE BEER AND WINE - EATING PLACE
License Type Status: NON-RENEWED
Status Date: 07-JAN-2010 Term: 12 Month(s)
Original Issue Date: 10-DEC-1994 Expiration Date: 30-NOV-2009
Master: Y Duplicate: 0 Fee Code: P40
2) License Type: 21 - OFF-SALE GENERAL
License Type Status: ACTIVE
Status Date: 30-DEC-1996 Term: 12 Month(s)
Original Issue Date: 30-DEC-1996 Expiration Date: 31-JAN-2013
Master: Y Duplicate: 0 Fee Code: P40
License Type was Transferred On: 30-DEC-1996 FROM: 21-254021
License Type was Transferred On: TO: 21-527510
Current Disciplinary Action
... No Active Disciplinary Action found ...
Disciplinary History
Reg. Number: 05059590
1) Section: 25658(a)
2) Section: 24200(a&b)
Proceeding Status: CLOSED Decision: SUSPEND
Suspension Days: 10 Stayed Days 10 POIC/Fine:
Suspension Start Date:

Suspension End Date:	
Hold Information	
Hold Date: 10-DEC-1994	Type: FORM 220
Escrow	
... No Escrow found ...	

--- End of Report ---

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

Call No	<input type="text"/>	Agency	<input type="text"/>	Call Type	<input type="text"/>	Disposition	<input type="text"/>
Report No	<input type="text"/>	Jurisdiction	<input type="text"/>	Dispatch Area	<input type="text"/>	# Prior Calls	<input type="text"/>
Unit ID	<input type="text"/>	Origin	<input type="text"/>	Dept ID	<input type="text"/>	Priority	<input type="text"/>
Rep Area	<input type="text"/>	Area	<input type="text"/>	Sector	<input type="text"/>		
Location	522 SUTTER					Range	<input type="text"/>
Apartment	<input type="text"/>	City	<input type="text"/>				
Entry Oper	<input type="text"/>	Dispatch Oper	<input type="text"/>				
From Date	07/01/2012	To Date	11/05/2012	From Time	<input type="text"/>	To Time	<input type="text"/>
Comments	<input type="text"/>						
<input type="button" value="Search"/>							

No hits found

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Records **1** through **1** of **1**

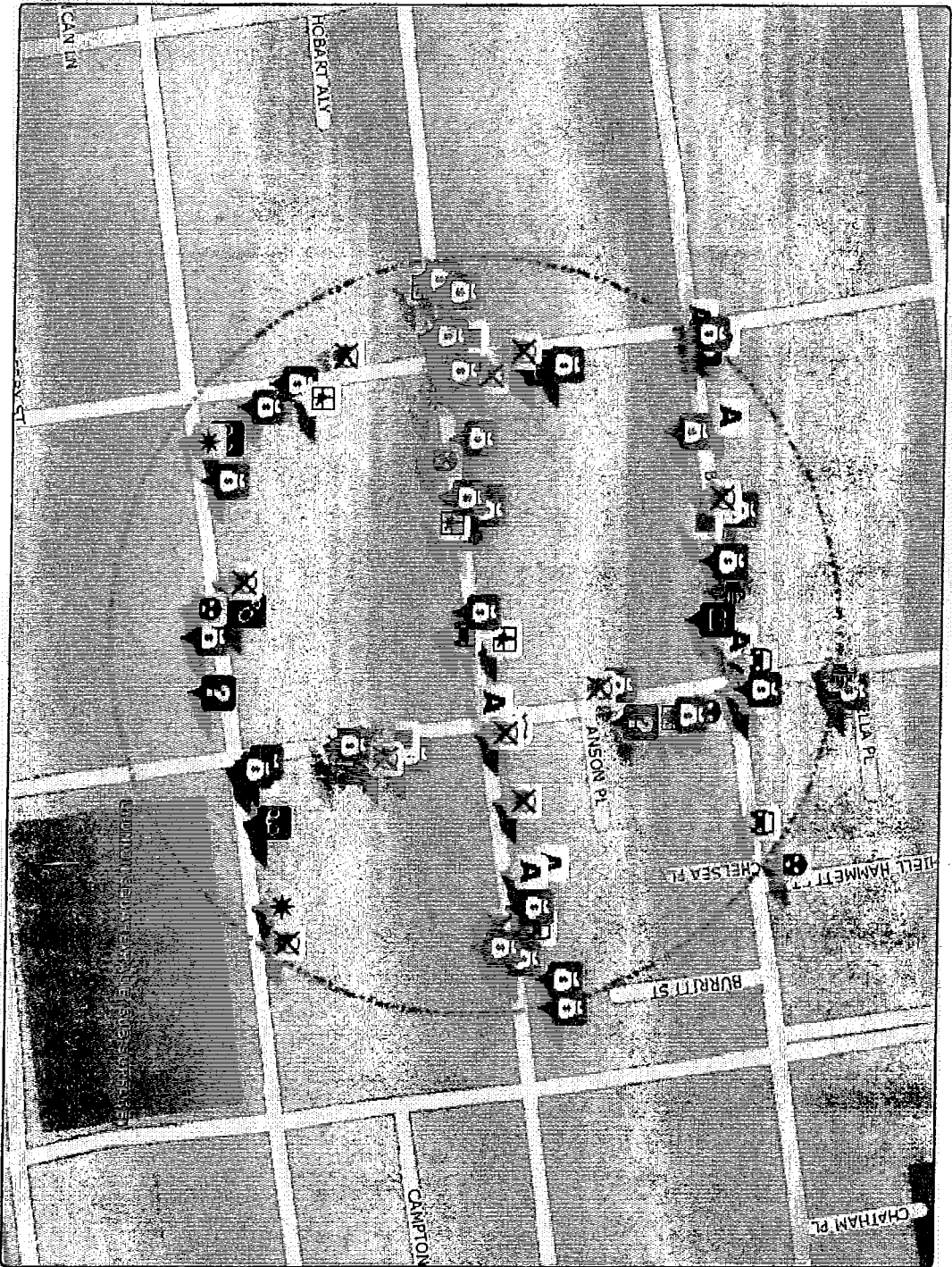
Call No	Report No	Received Date	Received Time	Priority	Call Type	Unit ID	Disposition	Location
<u>120180194</u>		01/18/2012	02:04:08	B	913			522 SUTTER ST

End of document

Closed Business

522 Sutter Street 21-527510
 11/8/2011-11/6/2012 500 Ft.

San Francisco Police Department



Map Legend	
	Incidents (421)
	Larceny/Theft (132)
	Non-Criminal (62)
	Warrants (32)
	Other Offenses (29)
	Assault (22)
	Burglary (20)
	Warrants (19)
	Fraud (16)
	Robbery (16)
	Vehicle Theft (12)
	Vandalism (12)
	Suspicious Occurrence (12)
	Missing Person (9)
	Trespassing (6)
	Drug/Narcotic (6)
	Forgery/Counterfeiting (4)
	Disorderly Conduct (3)
	Sex Offenses, Forcible (3)
	Secondary Codes (1)
	Prostitution (1)
	Kidnapping (1)
	Weapon Laws (1)
	Embezzlement (1)
	Drunkenness (1)

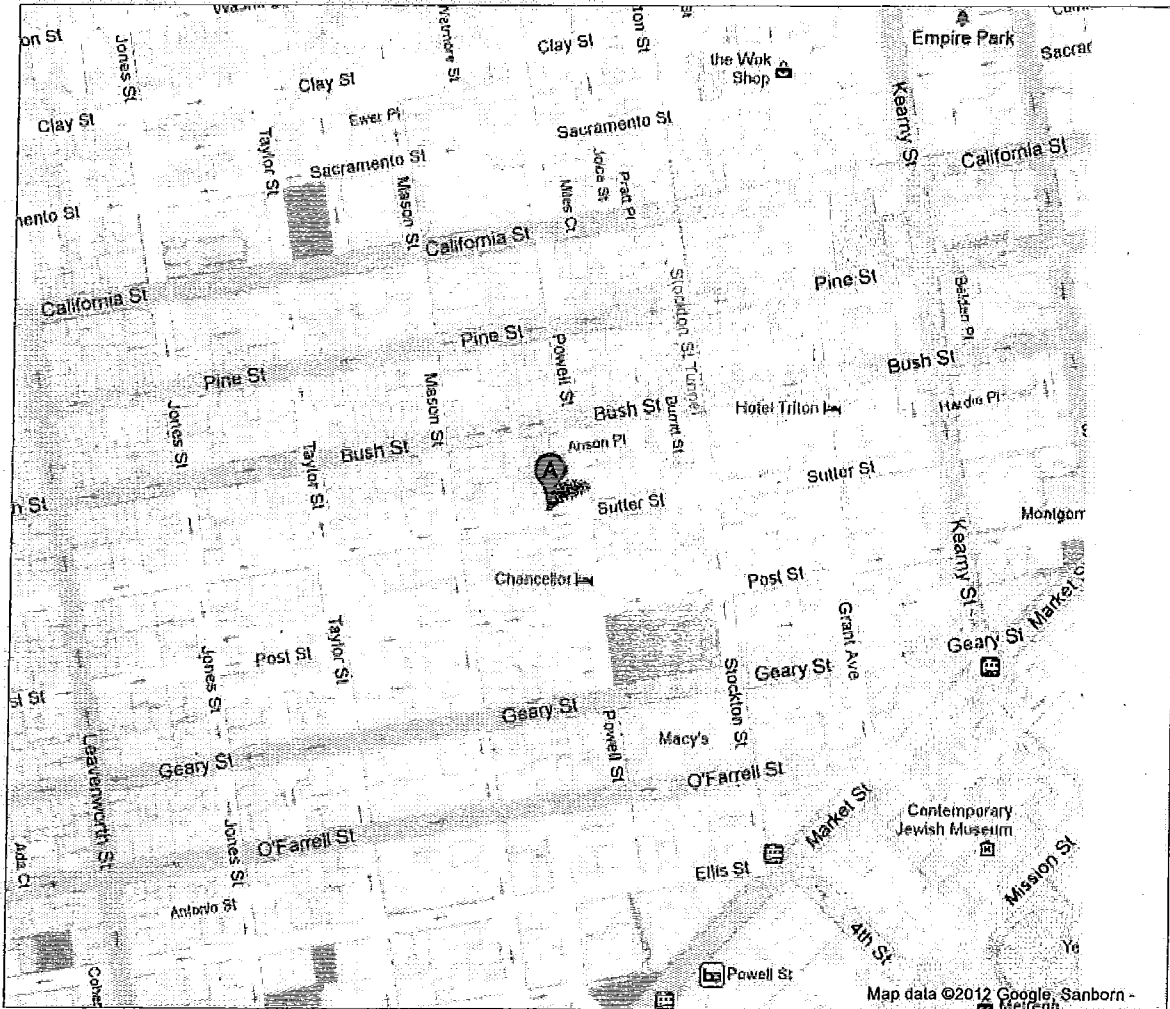
All representations on this map are distributed and transmitted "AS IS" without warranties of any kind, either expressed or implied including without limitation, warranties of title or implied warranties of merchantability or fitness for a particular purpose. In no event shall San Francisco Police Department 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.



Google

To see all the details that are visible on the screen, use the "Print" link next to the map.



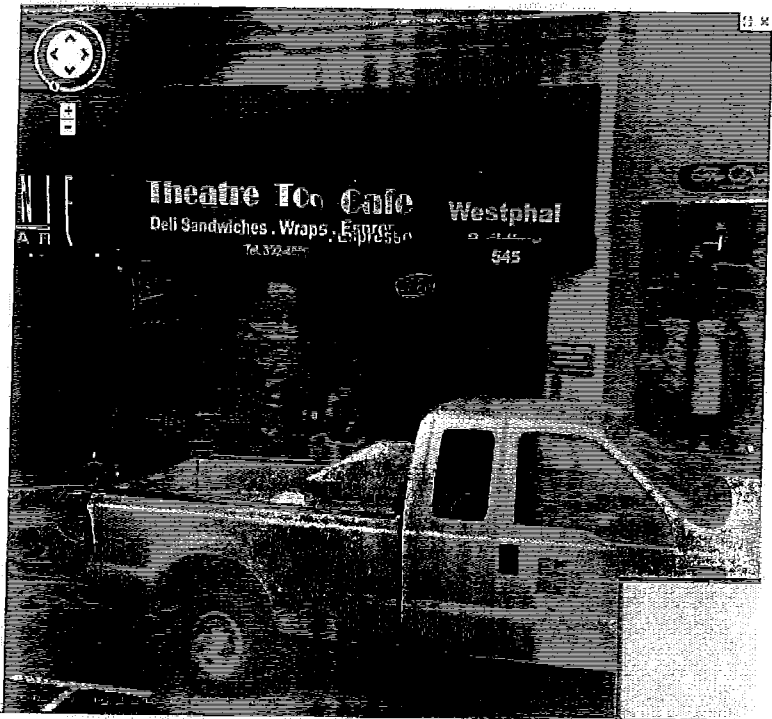
Google

To see all the details that are visible on the screen, use the "Print" link next to the map.



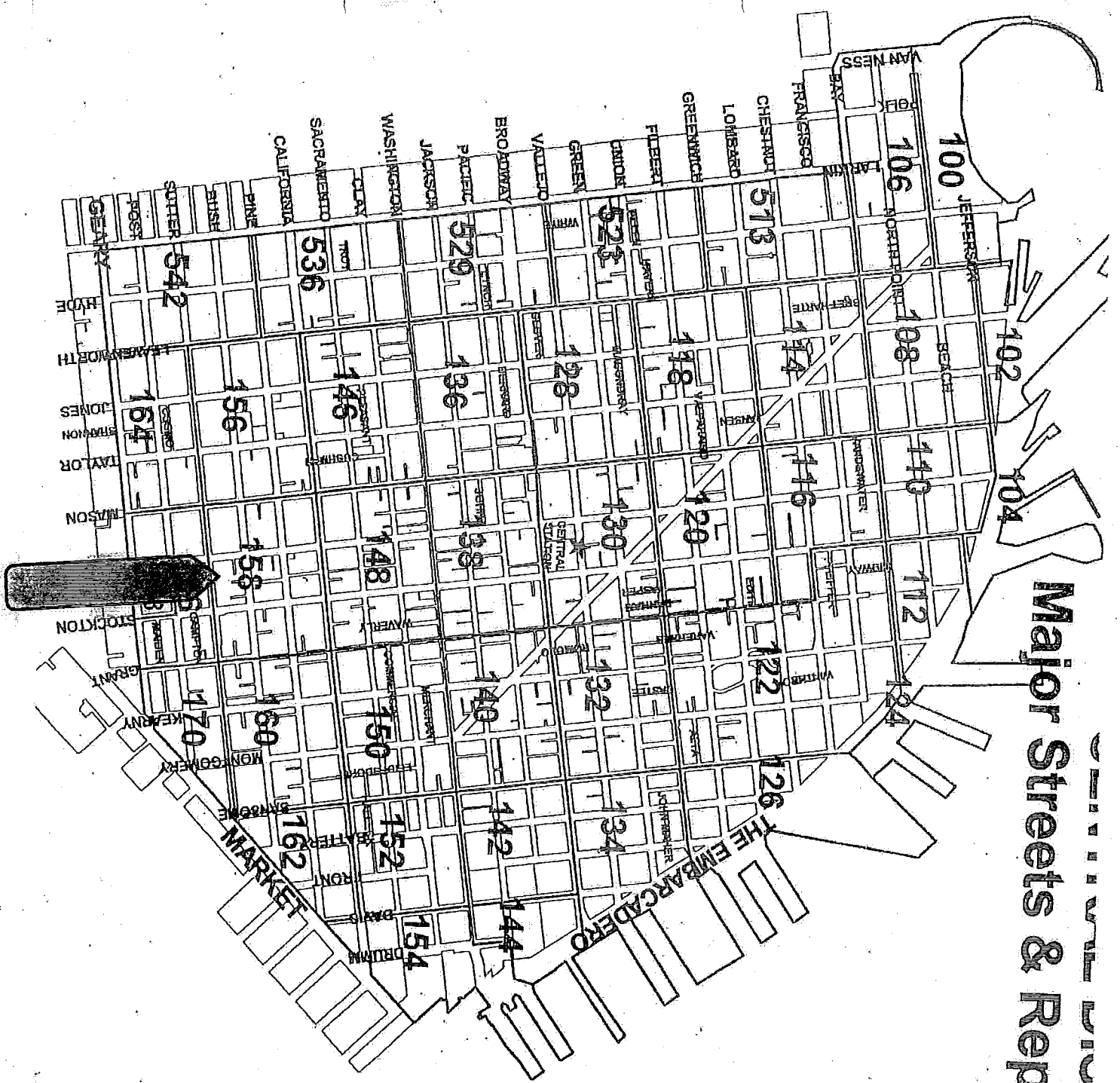
Google

To see all the details that are visible on the screen, use the "Print" link next to the map.



539 SUTTER

Major Streets & Reporting Plots



San Francisco Police Department
August 2002

PROTEST AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION

- Please refer to Form ABC-510, Instructions for Protesting an Alcoholic Beverage License Application, before completing and submitting your protest. The ABC-510 can be found at www.abc.ca.gov.
- Please print legibly or type. Incomplete and/or illegible information will cause the protest to be rejected.
- You will be notified by letter regarding a hearing on your protest. You will need to attend the hearing to testify and/or present evidence to support your protest.
- A copy of your valid protest, including your name and address, will be provided to the applicant as a public record and a right of discovery for a protest hearing.

I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

ZAKOUT, NASER J.

(Name(s) of Applicant(s))

For premises at:

522 SUTTER ST S.F., CA 94102

(Exact address of proposed premises)

on the grounds that:

- 1) Undue concentration Business & Professional Code Section 23958.4
- 2) High crime Business & Professional Code Section 23958.4 (c)
- 3) Definition of High of high crime Business & Professional Code Section 23958.4 (c) (1)

Conditions For Approval

- A) Hours 9AM to 12AM - 7 Days a Week.
- B) No 32 oz. or 40 oz. bottles sold.
- C) No single shot spirits sold.
- D) No single 12 oz., 16 oz. cans or 12 oz. bottles sold.
- E) No malt liquor, no fortified wines sold.
- F) No spirit's less than 500ml sold.
- G) A San Francisco Health Code Section 1009 No Smoking sign shall be posted on door.
- H) A No loitering sign shall be posted on door.

Check here if additional sheets attached

I, Marvis J. Phillips, PUBLIC SAFETY CHAIR ABCDC, declare under penalty of perjury:
PRINT (Name of Protestant)

(1) That I am the protestant herein; (2) That I have read the above protest and know the contents thereof; and (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE

Marvis J. Phillips

SIGNED AT (City and state)

SAN FRANCISCO CALIFORNIA

PROTESTANT'S TELEPHONE NUMBER (Optional)

415 674-1935

DATE SIGNED

16 1006 2012

PROTESTANT'S ADDRESS (Street number and name, city, state, zip code)

230 EDDY ST #1206 SAN FRANCISCO, CA 94102-6526

ABC-510-A (07/08)

cc. SFPD - ALU - 850 BRYANT
cc. ALCOHOL PERMIT OFFICER - CENTRAL
cc. FILE

LIQUOR LICENSE REVIEW

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

File: 130245

Block/Lot: 0284/005

Zoning: C-3-R

Quad: NE

map # 1300325

TO: Police Department
Inspector Nelly Gordon
Inspector Joseph Fong
Fax No.: 553-1463

DATE: March 12, 2013

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

PLEASE EMAIL YOUR RESPONSE BY: April 23, 2013, to Derek Evans, Clerk,
Neighborhood Services and Safety Committee.

Derek.Evans@sfgov.org - Fax No: 554-7714

Applicant Name: Daniel Kramer (representing Naser J. Zakout)
and Business Name: Theatre Too Café
(522 Sutter Street)

Applicant Address: 556 Commercial Street
San Francisco, CA 94111
and Phone No. (415) 226-1400

PLANNING COMMENTS: Approval Denial

*Type 21 permitted in conjunction with already existing
Use per Section 218.1(b) of Planning Code. James Spunkey*

POLICE COMMENTS: Approval Denial

burden on local law enforcement. In addition, it will provide residents and visitors to the area the convenience of one-stop shopping in a safe and friendly environment.

Neighborhood Outreach

While your files may indicate that 13 protests exist against the application, it is important to note that none of these protests, except for the conditional protest filed by SFPD, were filed against Mr. Zakout's application. Rather, these protests were filed against the application previously submitted for this premises by Dean Zain Azzghayer (21-516866). However, these protests were carried over to Mr. Zakout's application by statute due to the fact that Mr. Zakout submitted his application within one year of the withdrawal of Mr. Azzghayer's application. Mr. Zakout is not in any way related to or affiliated with Mr. Azzghayer.

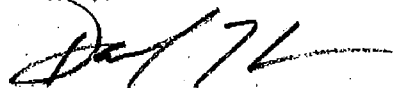
SFPD withdrew its conditional protest when Mr. Zakout agreed to SFPD's requested conditions, and Mr. Zakout has been working diligently to obtain withdrawals from all of other protestants who filed protests against Mr. Azzghayer's application. To date, Mr. Zakout has obtained protest withdrawals from nine (9) of the protestants. Three of the remaining protestants have not been located, and the other remaining protest was filed by a competitor whose business is located up the street from the Café. To date, he has refused to withdraw his protest.

Conclusion

Mr. Zakout has operated the Café in a responsible and conscientious manner for the past 22 years, and will continue to do so at his new location. The neighborhood does not oppose this application, as evidenced by the fact that there were no protests specifically filed against Mr. Zakout's application (other than the conditional protest by SFPD). Furthermore, the Board's approval of this application would not add to the license concentration levels in the census tract, as Mr. Zakout will be transferring his existing license to a new and improved location located across the street from his existing business - approximately 85 feet away. For these reasons, Mr. Zakout respectfully requests that the Board determine that public convenience or necessity will be served by the issuance of a Type-21 license to the Store. Thank you in advance for your consideration.

Please contact me at 415-237-6395 or via e-mail at dan@strikeandtechel.com if you need any further information or documentation in connection with this matter. Thank you for your consideration.

Sincerely,



Daniel J. Kramer

21-527510

Page 2

WHEREAS, the petitioner(s) stipulate(s) that by reason of the aforementioned high crime and over concentration of licenses, grounds exist for denial of the applied-for license; and,

WHEREAS, the issuance of an unrestricted license would be contrary to public welfare and morals;

NOW, THEREFORE, the undersigned petitioner(s) do/does hereby petition for a conditional license as follows, to-wit:

1. No noise shall be audible beyond the area under the control of the licensee(s) as defined on the ABC-257 dated 10/30/12.
2. The sale of distilled spirits in sizes smaller than 200 ml. is strictly prohibited.
3. No malt beverages shall be sold with an alcoholic content greater than 5.7% by volume.
4. Loitering (loitering is defined as "to stand idly about; linger aimlessly without lawful business") is prohibited on or around these premises or this area under the control of the licensee(s) as depicted on the ABC-257 dated 10/30/12.

**BEFORE THE
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
OF THE STATE OF CALIFORNIA**

IN THE MATTER OF THE APPLICATION OF

NASER J ZAKOUT
THEATRE TOO CAFE
522 SUTTER ST
SAN FRANCISCO, CA 94102-1102

} FILE 21-527510

}

} REG.

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**PETITION FOR CONDITIONAL
LICENSE**

For Issuance of an Off-Sale General - License

Under the Alcoholic Beverage Control Act

WHEREAS, petitioner(s) has/have filed an application for the issuance of the above-referred-to license(s) for the above-mentioned premises; and,

WHEREAS, protest(s) has/have been filed against the issuance of the applied-for license; and,

WHEREAS, the protest(s) deal(s) with the proposed operation of the applied-for premises; and,

WHEREAS, the San Francisco Police Department has protested the unconditional issuance of the license; and,

WHEREAS, the issuance of an unrestricted license at the applied-for location would tend to aggravate the existing law enforcement problem; and,

WHEREAS, the San Francisco Police Department withdrew its protest based upon the imposition of the below-listed conditions; and,

WHEREAS, pursuant to Section 23958 of the Business and Professions Code, the Department may deny an application for a license where issuance would result in or add to an undue concentration of licenses; and,

WHEREAS, the proposed premises are located in Census Tract 0121, where there presently exists an undue concentration of licenses as defined by Section 23958.4 of the Business and Professions Code; and,

WHEREAS, the proposed premises are located in a crime reporting district that has a 20% greater number of reported crimes, as defined in subdivision (c) of Section 23958.4, than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency; and,

NZ
Initials (NJZ)

21-527510

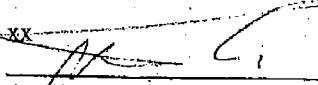
Page 3

This petition for conditional license is made pursuant to the provisions of Sections 23800 through 23805 of the Business and Professions Code and will be carried forward in any transfer at the applicant-premises.

Petitioner(s) agree(s) to retain a copy of this petition on the premises at all times and will be prepared to produce it immediately upon the request of any peace officer.

The petitioner(s) understand(s) that any violation of the foregoing condition(s) shall be grounds for the suspension or revocation of the license(s).

DATED THIS 2nd DAY OF January, 2013.

~~xx~~


Applicant/Petitioner
Naser J. Zakout, Sole Owner

n/a

Applicant/Petitioner

March 13, 2013

Via Email and U.S. Mail

San Francisco Board of Supervisors
Neighborhood Services and Safety Committee
1 Dr. Carlton B. Goodlet Place, Room 244
San Francisco, CA 94102

Re: Request for Determination of Public Convenience or Necessity for Naser J. Zakout

Dear Members of the Neighborhood Services and Safety Committee:

We represent Naser Zakout in connection with his application to transfer his existing Type-21 license, currently held at 539 Sutter St., across the street to his new location at 522 Sutter St. We have been informed by the Department of Alcoholic Beverage Control ("ABC") that a determination of public convenience or necessity by the Board of Supervisors is a condition to the ABC's issuance of this license. On behalf of Mr. Zakout, we respectfully request that the Board determine that approving the transfer of Mr. Zakout's license to his new store will serve public convenience or necessity.

Project Description

Owned and operated by Mr. Zakout since 1991, Theatre Too Café (the "Café") has been serving hearty Middle Eastern food, fresh sandwiches, and a selection of alcoholic and non-alcoholic beverages to the residents and visitors in the Union Square neighborhood for the past 22 years. The Café, which is well known for its friendly service, is losing its lease in a few months and desires to move across the street to a new and improved space, where it will continue to operate as Theatre Too Cafe. Mr. Zakout wishes to transfer his existing license to this new location. There will be no increase to the number of licenses in the census tract.

The Sale of Alcohol at the Store will serve Public Convenience or Necessity

One reason the community has supported Mr. Zakout's business for so long is because of his reputation as a good neighbor. The sale of alcoholic beverages at the Café is critical to the success of the business because customers expect that a business like Mr. Zakout's will carry alcohol, and the Café would certainly struggle to survive without this product line, yet Mr. Zakout makes every effort to ensure that these products are only sold in a responsible manner. He is the type of operator that is good for the neighborhood, and by allowing him to continue to sell alcoholic beverages at his new location, the Board will ensure that this privilege is being granted to a small business that cares about the neighborhood and will not create an additional

RECEIVED
BOARD OF SUPERVISORS
SALES & PERMITS
2013 MAR 14 PM 4:18

burden on local law enforcement. In addition, it will provide residents and visitors to the area the convenience of one-stop shopping in a safe and friendly environment.

Neighborhood Outreach

While your files may indicate that 13 protests exist against the application, it is important to note that none of these protests, except for the conditional protest filed by SFPD, were filed against Mr. Zakout's application. Rather, these protests were filed against the application previously submitted for this premises by Dean Zain Azzghayer (21-516866). However, these protests were carried over to Mr. Zakout's application by statute due to the fact that Mr. Zakout submitted his application within one year of the withdrawal of Mr. Azzghayer's application. Mr. Zakout is not in any way related to or affiliated with Mr. Azzghayer.

SFPD withdrew its conditional protest when Mr. Zakout agreed to SFPD's requested conditions, and Mr. Zakout has been working diligently to obtain withdrawals from all of other protestants who filed protests against Mr. Azzghayer's application. To date, Mr. Zakout has obtained protest withdrawals from nine (9) of the protestants. Three of the remaining protestants have not been located, and the other remaining protest was filed by a competitor whose business is located up the street from the Café. To date, he has refused to withdraw his protest.

Conclusion

Mr. Zakout has operated the Café in a responsible and conscientious manner for the past 22 years, and will continue to do so at his new location. The neighborhood does not oppose this application, as evidenced by the fact that there were no protests specifically filed against Mr. Zakout's application (other than the conditional protest by SFPD). Furthermore, the Board's approval of this application would not add to the license concentration levels in the census tract, as Mr. Zakout will be transferring his existing license to a new and improved location located across the street from his existing business – approximately 85 feet away. For these reasons, Mr. Zakout respectfully requests that the Board determine that public convenience or necessity will be served by the issuance of a Type-21 license to the Store. Thank you in advance for your consideration.

Please contact me at 415-237-6395 or via e-mail at dan@strikeandtechel.com if you need any further information or documentation in connection with this matter. Thank you for your consideration.

Sincerely,



Daniel J. Kramer

BEFORE THE
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
OF THE STATE OF CALIFORNIA

IN THE MATTER OF THE APPLICATION OF

NASER J ZAKOUT
THEATRE TOO CAFE
522 SUTTER ST
SAN FRANCISCO, CA 94102-1102

} FILE 21-527510
}
} REG.
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} PETITION FOR CONDITIONAL
} LICENSE

For Issuance of an Off-Sale General - License

Under the Alcoholic Beverage Control Act

WHEREAS, petitioner(s) has/have filed an application for the issuance of the above-referred-to license(s) for the above-mentioned premises; and,

WHEREAS, protest(s) has/have been filed against the issuance of the applied-for license; and,

WHEREAS, the protest(s) deal(s) with the proposed operation of the applied-for premises; and,

WHEREAS, the San Francisco Police Department has protested the unconditional issuance of the license; and,

WHEREAS, the issuance of an unrestricted license at the applied-for location would tend to aggravate the existing law enforcement problem; and,

WHEREAS, the San Francisco Police Department withdrew its protest based upon the imposition of the below-listed conditions; and,

WHEREAS, pursuant to Section 23958 of the Business and Professions Code, the Department may deny an application for a license where issuance would result in or add to an undue concentration of licenses; and,

WHEREAS, the proposed premises are located in Census Tract 0121. where there presently exists an undue concentration of licenses as defined by Section 23958.4 of the Business and Professions Code; and,

WHEREAS, the proposed premises are located in a crime reporting district that has a 20% greater number of reported crimes, as defined in subdivision (c) of Section 23958.4, than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency; and,

NZ
Initials (NJZ)

WHEREAS, the petitioner(s) stipulate(s) that by reason of the aforementioned high crime and over concentration of licenses, grounds exist for denial of the applied-for license; and,

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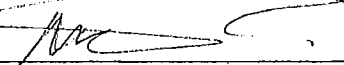
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This petition for conditional license is made pursuant to the provisions of Sections 23800 through 23805 of the Business and Professions Code and will be carried forward in any transfer at the applicant-premises.

Petitioner(s) agree(s) to retain a copy of this petition on the premises at all times and will be prepared to produce it immediately upon the request of any peace officer.

The petitioner(s) understand(s) that any violation of the foregoing condition(s) shall be grounds for the suspension or revocation of the license(s).

DATED THIS 2nd DAY OF January, 2013.

~~XX~~ 

Applicant/Petitioner
Naser J. Zakout, Sole Owner

n/a

Applicant/Petitioner

BEFORE THE
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
OF THE STATE OF CALIFORNIA

IN THE MATTER OF THE APPLICATION OF

NASER J ZAKOUT
THEATRE TOO CAFE
522 SUTTER ST
SAN FRANCISCO, CA 94102-1102

} FILE 21-527510

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} REG.

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} PETITION FOR CONDITIONAL
} LICENSE

For Issuance of an Off-Sale General - License

Under the Alcoholic Beverage Control Act

WHEREAS, petitioner(s) has/have filed an application for the issuance of the above-referred-to license(s) for the above-mentioned premises; and,

WHEREAS, protest(s) has/have been filed against the issuance of the applied-for license; and,

WHEREAS, the protest(s) deal(s) with the proposed operation of the applied-for premises; and,

WHEREAS, the San Francisco Police Department has protested the unconditional issuance of the license; and,

WHEREAS, the issuance of an unrestricted license at the applied-for location would tend to aggravate the existing law enforcement problem; and,

WHEREAS, the San Francisco Police Department withdrew its protest based upon the imposition of the below-listed conditions; and,

WHEREAS, pursuant to Section 23958 of the Business and Professions Code, the Department may deny an application for a license where issuance would result in or add to an undue concentration of licenses; and,

WHEREAS, the proposed premises are located in Census Tract 0121. where there presently exists an undue concentration of licenses as defined by Section 23958.4 of the Business and Professions Code; and,

WHEREAS, the proposed premises are located in a crime reporting district that has a 20% greater number of reported crimes, as defined in subdivision (c) of Section 23958.4, than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency; and,

NZ
Initials (NJZ)

WHEREAS, the petitioner(s) stipulate(s) that by reason of the aforementioned high crime and over concentration of licenses, grounds exist for denial of the applied-for license; and,

WHEREAS, the issuance of an unrestricted license would be contrary to public welfare and morals;

NOW, THEREFORE, the undersigned petitioner(s) do/does hereby petition for a conditional license as follows, to-wit:

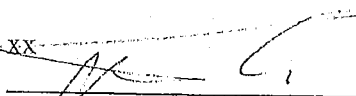
1. No noise shall be audible beyond the area under the control of the licensee(s) as defined on the ABC-257 dated 10/30/12.
2. The sale of distilled spirits in sizes smaller than 200 ml. is strictly prohibited.
3. No malt beverages shall be sold with an alcoholic content greater than 5.7% by volume.
4. Loitering (loitering is defined as "to stand idly about; linger aimlessly without lawful business") is prohibited on or around these premises or this area under the control of the licensee(s) as depicted on the ABC-257 dated 10/30/12.

This petition for conditional license is made pursuant to the provisions of Sections 23800 through 23805 of the Business and Professions Code and will be carried forward in any transfer at the applicant-premises.

Petitioner(s) agree(s) to retain a copy of this petition on the premises at all times and will be prepared to produce it immediately upon the request of any peace officer.

The petitioner(s) understand(s) that any violation of the foregoing condition(s) shall be grounds for the suspension or revocation of the license(s).

DATED THIS 2nd DAY OF January, 2013.

~~XX~~


Applicant/Petitioner
Naser J. Zakout, Sole Owner

n/a

Applicant/Petitioner

LIQUOR LICENSE REVIEW

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

File: 130245

TO: Police Department
Inspector Nelly Gordon
Inspector Joseph Fong
Fax.No.: 553-1463

DATE: March 12, 2013

This item is tentatively scheduled to be heard in four to six weeks.
PLEASE EMAIL YOUR RESPONSE BY: April 23, 2013, to Derek Evans, Clerk,
Neighborhood Services and Safety Committee.

Derek.Evans@sfgov.org - Fax No: 554-7714

Applicant Name: Daniel Kramer (representing Naser J. Zakout)
and Business Name: Theatre Too Café
(522 Sutter Street)

Applicant Address: 556 Commercial Street
San Francisco, CA 94111
and Phone No. (415) 226-1400

PLANNING COMMENTS: Approval Denial

POLICE COMMENTS: Approval Denial