

File No. 100296

Committee Item No. 1

Board Item No. _____

**COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST**

Committee: **City Operations & Neighborhood Services Committee** Date 10/25/10

Board of Supervisors Meeting Date _____

LIQUOR LICENSE HEARING

Cmte Board

- | | | |
|-------------------------------------|--------------------------|----------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Applicant's Letter |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Police Department Report |
| <input checked="" type="checkbox"/> | <input 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 type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Other |

- _____
- _____
- _____
- _____
- _____
- _____

Completed by Gail Johnson Date 10/21/10
Completed by _____ Date _____

orig. Jay
C. COB

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2010 MAR - 1 PM 3:32

BY SV

File 100296

February 25, 2010

Re: P H Holdings Inc.
2367-2371 Market St.
S.F., CA 94102

Clerk, Board of Supervisor
1 Dr. Carlton B. Goodlett Place
Room 244
S.F., CA 94102

Dear Sir/Madam:

An application to expand the 48-licensed premise was filed on 11-5-09. ABC requires a public convenience and necessity approval from the local governing body.

The Cafe, which is located on the 2nd floor, has been completely remodeled at a cost of a million dollars. The licensed premises was expanded into an area 12' x 24' which faces 17th St. This expanded area contains a pool table and a rest room. There are sealed windows facing 17th Street. No customer entrance is located on 17th Street. The only entrance is located on Market Street.

Thank you for your consideration in this matter.

Sincerely,

Pornchai Hutachinda

Pornchai Hutachinda
President

Our hours of operations are Monday through Friday from 5:00 PM until 2:00 AM and Saturday and Sunday from 2:00 PM until 2:00 AM. Please feel free to contact me at work 415-834-5840 or on my cell at 415730-4494 if you should have any further question.

Sincerely,

Pornchai Hutachinda
President

Pornchai Hutachinda
P H Holdings Inc.
2367-2371 Market St.
San Francisco, CA 94102

March 31, 2010

Victor Young
Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Dear Mr. Young,

An application to expand the Cafe's 48-licensed premise was filed on November 5, 2009 (File No. 100296). This license expansion should be granted because, by creating an upgraded and unique state of the art venue with a space available for private use, this space serves public convenience and necessity for community members locally and citywide.

The license should be extended to The Cafe's million-dollar additions because the expanded space meets the community's need for a setting where members of the neighborhood can celebrate significant life events. Currently, no other club or bar in the Castro provides an intimate setting in which members of the LGBT community can commemorate anniversaries, birthday celebrations, wedding receptions or other special events. The addition of the VIP space allows The Cafe to provide a solution to the community's need for a unique location where bonds of unity can be strengthened through celebration.

In addition, the space is a valuable asset to the community because of its potential for future fundraising and charitable events. The café has been a part of the Castro business and neighborhood district for the past 22 years and has sponsored and been involved in many different charitable events. Because it is the first venue of its kind in the Castro, it serves the need of providing a convenient location where members of the neighborhood can raise support for issues that impact their community. It will also provide politicians with unique access to a valuable captive audience.

Finally, the addition's benefits are not only limited to members of the LGBT community, but will be felt by residents throughout San Francisco. The space will allow The Café to host cultural and artistic events, by providing a designated space for performers to prepare. The space will attract new artists to the city and provide a venue for unique talent that would otherwise not have a place in San Francisco.

In conclusion, because of the unique service the addition will provide to members of the LGBT community as well as many others, and because of the benefits it will bring to San Francisco residents in general, the application to expand the 48-licensed should be granted.

LIQUOR LICENSE REVIEW

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

File: 100296

Block/Lot: 3563/036
Zoning: Upper Market
Quod: SW
MB# 1000217

TO: Inspector Dave Falzon
Police Department
Fax No: 970-3088

DATE: March 16, 2010

This item is scheduled to be heard at a meeting on April 12, 2010. **PLEASE E-MAIL OR FAX YOUR RESPONSE BY: April 5, 2010** to Victor Young, Clerk of City Operations and Neighborhood Services Committee.

Fax No: 554-7714 – victor.young@sfgov.org

Applicant Name: Pornchai Hutachinda
and Business Name: P H Holdings, Inc.

Applicant Address: 2367-2371 Market Street (District 8)
and Phone No. requested

PLANNING COMMENTS: Approval Denial

A Type 48 ABC License is permitted in conjunction with an existing bar.

 4/29/10
Approved Planning Dept. Adrian G. Putra

POLICE COMMENTS: Approval Denial




San Francisco Police Department
ABC Liaison Unit

Alcoholic Beverage License

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

Supervisor Carmen Chu
Supervisor John Avalos
Supervisor Bevan Dufty

From: Inspector Dave Falzon 
Officer in Charge
ABC Liaison Unit (ALU) 553-9369

Date: October 22, 2010

Subject: P.C.N. Investigation Regarding:
The Café
2367-2371 Market Street
244-4459

Mr. Louis Caputo on behalf of The Café has filed an application with the California Department of Alcoholic Beverage Control seeking to expand its premises to include an enclosed area of approximately 12' x 24'. This premises is currently licensed as a Type 48 (On-sale General Public Premises) license.

Proposed Hours of Operation:

Daily 5:00 p.m. – 2:00 a.m.

Digest:

If approved, this premises will be allowed to use this additional space for its customers.

Letters of Protest:

Letters of Support:

No record

Police Calls for Service:

From February 18, 2010 to June 18, 2010

3

Police Reports:

From July 14, 2009 to June 18, 2010

No Record

San Francisco Plot Information:

This premise is located in Plot 412

404 Police Reports were recorded for this plot in 2009

This plot is 183 Police Report(s) *over* the citywide average (plus 20%) of 221 Police Reports.

State Census Tract Information:

This premise is located in Census Tract 203

Population for this tract is: 3145

On-sale license authorized by census tract: 10
Active on-sale licenses: 29 with 1 pending

Off-sale licenses authorized by census tract: 4
Active off-sale licenses: 6 with 0 pending

Departmental Recommendation:

Points of consideration:

APPROVAL w/conditions recommendation by the ABC Liaison Unit

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

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

6 records of protest.

No Record letters of support.

Applicant supports proposed Conditions

Recommendation: **APPROVAL w/conditions**

Proposed Conditions:

- 1) No noise shall be audible beyond the area under control of the license.
- 2) Petitioner shall not make structural changes in the premises interior without prior written approval from the Department.
- 3) The sale of alcoholic beverages for off premises consumption is strictly prohibited. Consumption of on-sale alcoholic beverages shall be restricted to and within the confines of the building portion of the premises. There shall be no consumption of alcoholic beverages on the sidewalk area in front of or adjacent to the premise.
- 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.
- 5) All door(s) and window(s) shall be kept closed at all time during the operation of the premises except in cases of emergency and to permit deliveries, said door(s) not to consist solely of a screen or ventilated door.

export To  **New!**

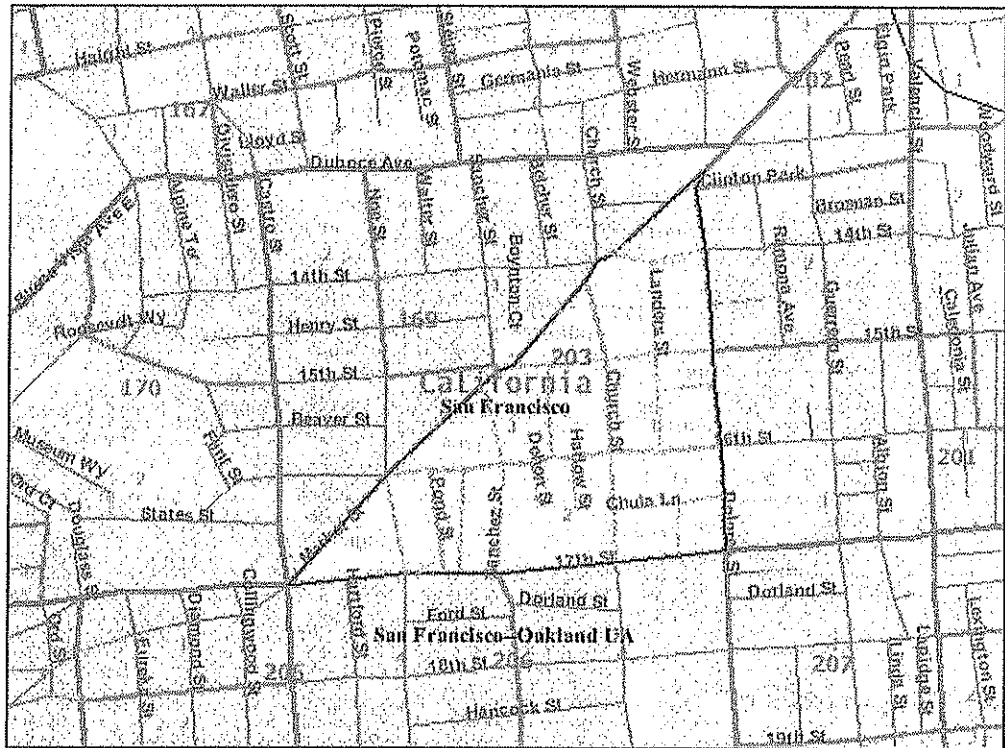
Records **1** through **3** of **3**

Call No	Report No	Received Date	Received Time	Priority	Call Type	Unit ID	Disposition	Location
093050722		11/01/2009	01:27:30	C	000	3X92C	HAN	2367 MARKET ST
093050422		11/01/2009	01:19:01	C	917	3D52C	ADV	2367 MARKET ST
093044342		10/31/2009	23:18:45	B	520	3D88	HAN	2367 MARKET ST

End of document

Census Tract 203, San Francisco County, California

- Boundaries**
- State
 - '00 County
 - '00 Census Tract
 - '00 Block Group
 - '00 Block
 - '00 Place
 - '00 Urban Area
 - '00 Urban Area
- Features**
- Major Road
 - Street
 - Stream/Waterbody
 - Stream/Waterbody



1.1 mile across

Close

Google maps

Address **2365 Market St**

Address is approximate

Save trees. Go green!


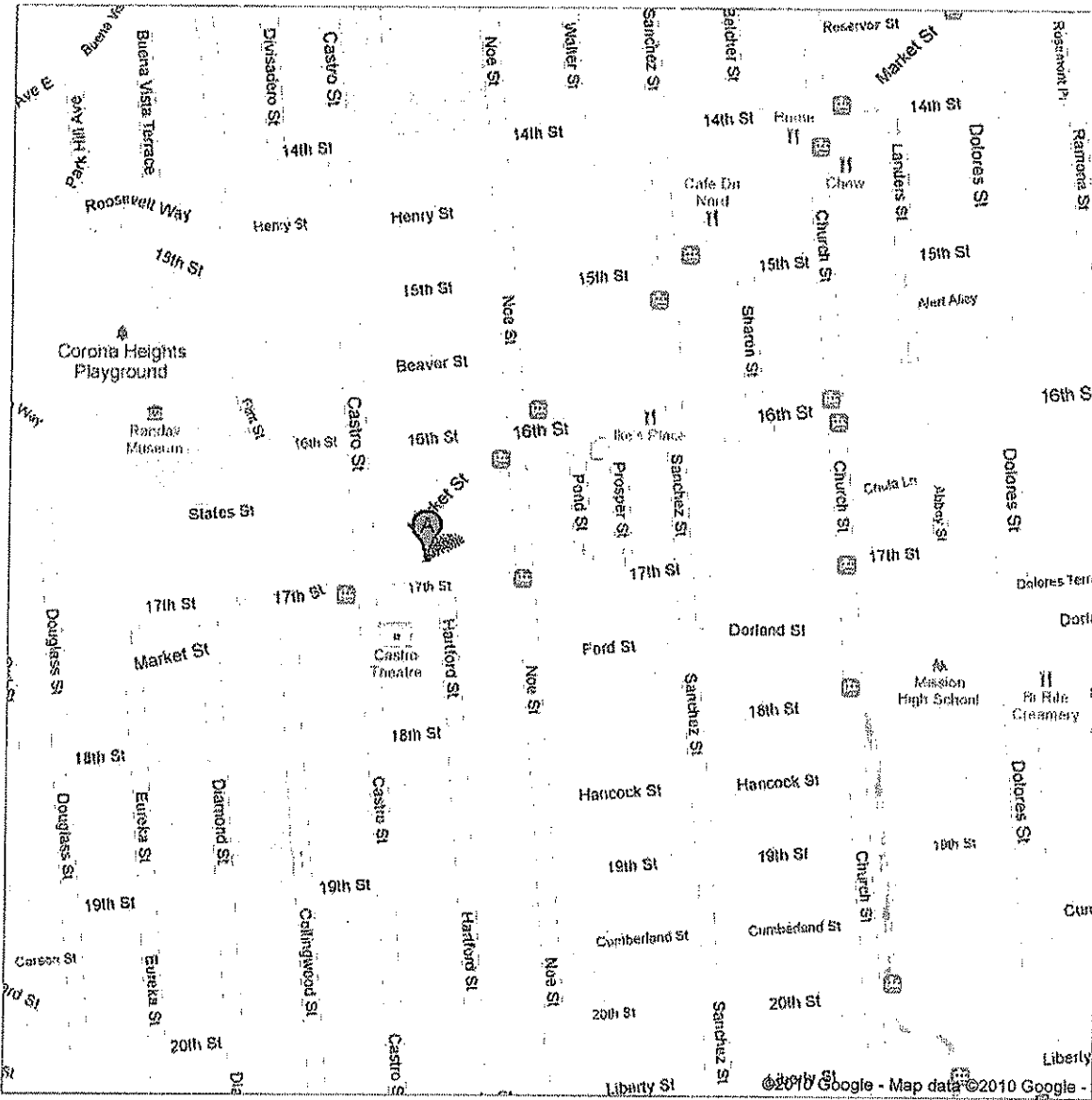
Download Google Maps on your phone at google.com/gmm



Google maps

Address 2371 Market St
San Francisco, CA 94114

Get Google Maps on your phone
Text the word "GMAPS" to 466453

412



Department of Alcoholic Beverage Control
**PROTEST AGAINST ALCOHOLIC
BEVERAGE LICENSE APPLICATION**

JB

State of California

- 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:

PH HOLDINGS INC DBA "THE Cafe"
(Name(s) of Applicant(s))

For premises at:

2369-2371 Market St. SF. Ca. 94114
(Exact address of proposed premises)

on the grounds that: 'THE Cafe' IS A NUISANCE TO THE NEIGHBORHOOD BEFORE AND AFTER REMODELING. CUSTOMERS ARE DRUNK BEYOND CONTROL, YELLING OUT 'THE Cafe' WINDOWS THAT FROM 10:30PM TO 2AM. I HAVE PERSONALLY OBSERVED THEIR CUSTOMERS LEAVING 'THE Cafe' AND YELLING, SCREAMING, VOMITING, URINATING, ALL AROUND THE MARKET/CASTRO AREA, INCLUDING FIGHTS AND DAMAGING PROPERTY.

THIS DISTURBS THE NORMAL PEACE TO A POINT PEOPLE WHO LIVE HERE CANNOT SLEEP.

MY UNDERSTANDING IS THAT THIS PROBLEM WAS ADDRESSED WHEN PERMITS WERE GRANTED FOR THE REMODELING RECENTLY DONE. BUT THE PROBLEMS CONTINUE!

I AM AGAINST THE GRANTING OF THIS LICENSE!!

Check here if additional sheets attached

I, DAVID J. RUSSO, 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 <u>David Russo</u>	PROTESTANT'S TELEPHONE NUMBER (Optional)
SIGNED AT (City and state) <u>SAN FRANCISCO, CALIFORNIA</u>	DATE SIGNED <u>11/11/2009</u>
PROTESTANT'S ADDRESS (Street number and name, city, state, zip code) <u>2430 Market St. SF. Ca. 94114</u>	

ABC-510-A (07/08)

RECEIVED

NOV 16 2009

Alcoholic Beverage Control

Department of Alcoholic Beverage Control
**PROTEST AGAINST ALCOHOLIC
BEVERAGE LICENSE APPLICATION**

State of California

- 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:

P H Holdings Inc.

(Name(s) of Applicant(s))

For premises at:

2369-71 Market Street, San Francisco California 94114

(Exact address of proposed premises)

on the grounds that: *The Cafe's rear expansion is an inappropriate commercial expansion of what is largely a side of residential neighborhood. Granted, there are businesses on 17th Street but they generally don't sell, or serve alcohol, or stay open late. There are plenty of places for people to drink that don't spill out onto people's doorsteps and stoops. Please limit alcohol related activities @ the Cafe' to the Market street side of the business.*

Check here if additional sheets attached

I, RAYMOND SCHWARTE, declare under penalty of perjury:

Elisabeth Schwarte 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

Raymond Schwarte Elisabeth

SIGNED AT (City and state)

San Francisco, CA

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

3919 17th St. SF CA 94114

PROTESTANT'S TELEPHONE NUMBER (Optional)

r.schwarte@yahoo.co

DATE SIGNED

12/2/09

ABC-510-A (07/08)

RECEIVED

DEC - 7 2009

Dept of Alcoholic Beverage Control

Department of Alcoholic Beverage Control
**PROTEST AGAINST ALCOHOLIC
BEVERAGE LICENSE APPLICATION**

State of California

- 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:

P H Holdings Inc.

(Name(s) of Applicant(s))

For premises at:

2369-71 Market Street, San Francisco California 94114

(Exact address of proposed premises)

on the grounds that:

The Cafe is located in a residential neighborhood and is within 100 feet of my home. The Cafe is located on Market Street but the recently finished addition faces an almost entirely residential neighborhood on 17th Street. The Cafe failed to notify the ABC of their expansion and was shut down after neighbors filed a complaint for it to be investigated.

Over the years The Cafe has repeatedly disrupted the quiet enjoyment of my home through chronic loud music that is not contained within the venue. In addition, drunk bar patrons constantly disrupt the neighborhood with fights, screaming, etc. Even though the owners of The Cafe recently renovated the venue supposedly with sound insulation it does not appear to be working. One of the main causes of the noise is that there are still spots in their building open to the neighborhood including the retractable roof over the patio area. While this is supposed to be closed at particular hours it often is not.

Attached is documentation of the disruptive noise that The Cafe produces. This information was obtained from Carol Bernard at the Department of Emergency Communications. The information can only be pulled for the past three years. The Cafe was under construction for a portion of that time so included are two different time periods. One list documents the complaints from 6/1/07 -3/1/08. The second list documents complaints from 5/1/04-5/1/07. As you can see there are an average of 5 complaints per month. Extrapolated out over the past 17+ years it comes to over 1,000 complaints, almost all of which are due to loud music.

The Cafe is still generating many complaints to police regarding loud music and disruptive and drunk patrons. With such a poor track record complying with their conditions of use please do not allow the sale and service of alcohol in the new space.

BARBARA KENDALL

Check here if additional sheets attached

I, Barbara Kendall, 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; (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

SIGNED AT (City and state)

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

SF CA
3947 17TH SF CA 94114

RECEIVED
DEC 7 2009
PROTESTANT'S TELEPHONE NUMBER (Optional)
Department of Alcoholic Beverage Control
San Francisco
12-3-09

Attachment A

The Cafe has a history of disturbance to the neighborhood through loud music that is not contained within the premises and through raucous behaviour of patrons upon leaving the premises.

The Cafe was closed for a period of time recently for renovations. Since the time it reopened in August 2009, the number of problems have been considerably fewer than previously. This is not to say that there have not been problems. A representative of the Eureka Valley Promotion Association has monitored the operations for the past 4 months and advised the management on corrections that still needed to be made and received cooperation. In recent weeks no violations have been detected by EVPA, though immediate neighbors may have had a different experience. There is still no assurance that without regular monitoring The Cafe will not revert to its former lack of consideration for the residential neighborhood that it is immediately adjacent to.

In granting a conditional use permit for The Cafe, the Planning Commission attached a number of conditions of use designed to control noise and the behaviour of patrons. Among them was a specific prohibition against dancing in the new addition facing Seventeenth Street, which is a residential street. This was an indication that the addition was to be used quite differently from the main area of the Cafe. Management reiterated over and over that the purpose of the addition was to provide a place for a pool table. It was stated that there would be no bar in the addition. As one of the people involved in negotiations with The Cafe, I had the distinct expectation that the addition absolutely would not be an expansion of the bar and I believe that I was reassured on that point. To my mind that meant that there would be no alcohol served there, though I expected that patrons would not be prohibited from carrying their glasses to the area when taking a break from the noisier atmosphere of the main part of the Cafe. This is important because this addition faces on Seventeenth Street, not Market Street, and should definitely not be an extension of the bar area.

Therefore, I protest the issuance of a license to the Cafe for the purpose of serving alcohol in the addition that faces Seventeenth Street.

Judith Hoyem

December 3, 2009

RECEIVED

DEC - 7 2009

Dept of Alcoholic Beverage Control
San Francisco

Department: Alcoholic Beverage Control
PROTEST AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION

JB

State of California

- 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:

PH HOLDINGS INC DBA "THE CAFE"
(Name(s) of Applicant(s))

For premises at:

2369-2371 MARKET ST. SF. Ca. 94114
(Exact address of proposed premises)

on the grounds that: 'THE CAFE' IS A NUISANCE TO THE NEIGHBORHOOD BEFORE AND AFTER REMODELING. CUSTOMERS ARE DRUNK BEYOND CONTROL, YELLING OUT 'THE CAFE' WINDOWS THAT FROM 10:30PM TO 2AM. I HAVE PERSONALLY OBSERVED THEIR CUSTOMERS LEAVING 'THE CAFE' AND YELLING, SCREAMING, VOMITING, URINATING, ALL AROUND THE MARKET/CASTRO AREA. INCLUDING FIGHTS AND DAMAGING PROPERTY.

THIS DISTURBS THE ABNORMAL PEACE TO A POINT PEOPLE WHO LOVE HERE CANNOT SLEEP.

MY UNDERSTANDING IS THAT THIS PROBLEM WAS ADDRESSED WHEN PERMITS WERE GRANTED FOR THE REMODELING RECENTLY DONE. BUT THE PROBLEMS CONTINUE!

I AM AGAINST THE GRANTING OF THIS LICENSE!!

Check here if additional sheets attached

I, DAVID J. RUSSO, 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 <u>David Russo</u>	PROTESTANT'S TELEPHONE NUMBER (Optional)
SIGNED AT (City and state) <u>SAN FRANCISCO, CALIFORNIA</u>	DATE SIGNED <u>11/11/2009</u>
PROTESTANT'S ADDRESS (street number and name, city, state, zip code) <u>2369 MARKET ST. SF. Ca. 94114</u>	

ABC-510-A (07/08)

RECEIVED

NOV 16 2009

Department of Alcoholic Beverage Control
**PROTEST AGAINST ALCOHOLIC
BEVERAGE LICENSE APPLICATION**

State of California

- 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:

P H Holdings Inc.

(Name(s) of Applicant(s))

For premises at:

2369-71 Market Street, San Francisco California 94114

(Exact address of proposed premises)

on the grounds that:

The Cafe is located in a residential neighborhood and is within 100 feet of my home. The Cafe is located on Market Street but the recently finished addition faces an almost entirely residential neighborhood on 17th Street. The Cafe failed to notify the ABC of their expansion and was shut down after neighbors filed a complaint for it to be investigated.

Over the years The Cafe has repeatedly disrupted the quiet enjoyment of my home through chronic loud music that is not contained within the venue. In addition, drunk bar patrons constantly disrupt the neighborhood with fights, screaming, etc. Even though the owners of The Cafe recently renovated the venue supposedly with sound insulation it does not appear to be working. One of the main causes of the noise is that there are still spots in their building open to the neighborhood including the retractable roof over the patio area. While this is supposed to be closed at particular hours it often is not.

Attached is documentation of the disruptive noise that The Cafe produces. This information was obtained from Carol Bernard at the Department of Emergency Communications. The information can only be pulled for the past three years. The Cafe was under construction for a portion of that time so included are two different time periods. One list documents the complaints from 6/1/07 -3/1/08. The second list documents complaints from 5/1/04-5/1/07. As you can see there are an average of 5 complaints per month. Extrapolated out over the past 17+ years it comes to over 1,000 complaints, almost all of which are due to loud music.

The Cafe is still generating many complaints to police regarding loud music and disruptive and drunk patrons. With such a poor track record complying with their conditions of use please do not allow the sale and service of alcohol in the new space.

BARBARA KENDALL

Check here if additional sheets attached

I, Barbara Kendall, 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; (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

Barbara Kendall

SIGNED AT (City and state)

SF CA

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

3957 17TH ST CA 94114

RECEIVED
DEC 07 2009
PROTESTANT'S TELEPHONE NUMBER (Optional)
Dept of Alcoholic Beverage Control
San Francisco
12-3-09

ABC-510-A (07/08)