

File No. 140052

Committee Item No. 1

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Public Safety & Neighborhood Services Date March 5, 2015

Board of Supervisors Meeting

Date _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

- | | | |
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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Liquor License PCN Request |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Completed by: Derek Evans Date 2/27/15

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 and
Necessity Recommendation*

To: The San Francisco Board of Supervisors' Committee on Public Safety
and Neighborhood Services

Supervisor Eric Mar
Supervisor David Campos
Supervisor Julie Christensen

From: Lieutenant Dave Falzon 
Officer in Charge
ABC Liaison Unit (ALU) 553-1049

Date: 02/25/2015

Subject: P.C.N. Investigation Regarding: LML Restaurants, Inc.
DBA: DBA
1501 Folsom Street
Including 308-11th Street
Leticia Luna
(415) 786-2940

Ms. Leticia Luna on behalf of LML Restaurant, Inc. has filed an application with the California Department of Alcoholic Beverage Control seeking a -Type 48 (On-Sale General Public Premises) License for 1501 Folsom Street including 308-11th Street (located on the South-East corner of Folsom and 11 Street) in the South of Market (SOMA).

Hours of Operation:

Daily 9 a.m.- 2 a.m.

Digest:

LML Restaurants, Inc. is introducing a new lounge to the SOMA District in San Francisco. The lounge will be geared to a mature crowd. Ms Luna plans on operating a multi floor venue that will feature American and Latin Jazz on the main floor, an intimate music lounge on the second floor and a rooftop restaurant. Although not required to, Ms. Luna will have a food component, where she hopes to serve brunch on the weekends and evening dining daily. If approved, this license will allow the premises at 1501 Folsom Street (including 308-11th Street) to sell On-Sale Beer, Wine

and Distilled Spirits. These premises had previously been licensed and not operating for over three years.

Letters of Protest:

No Record

Letters of Support:

No Record

Police Calls for Service:

From January 2013 to January 2014

52- Noise nuisance related, Homeless related, Graffiti/vandalism-Quality of life issues.

Police Reports:

From January 2013 to January 2014

0

San Francisco Plot Information:

This premise is located in Plot **204**

A High Crime area is defined as **99** or more police reports in a plot for the year of **2013**.

This plot had **338** police reports for **2013**, which is **239** over the Citywide "High Crime" average.

State Census Tract Information:

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

Population for this tract is: **2128**

On-sale license authorized by census tract: **7**

Active on-sale licenses: **40** with **0** pending

Off-sale licenses authorized by census tract: **2**

Active off-sale licenses: **8** with **0** pending

Departmental Recommendation:

Points of consideration: 1/ St. Joseph's Catholic Church (now closed)

No opposition from **Southern Station**

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

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

0 - Record of protest.

0 - Record of support.

ALU Recommendation: **Approval with the following conditions**

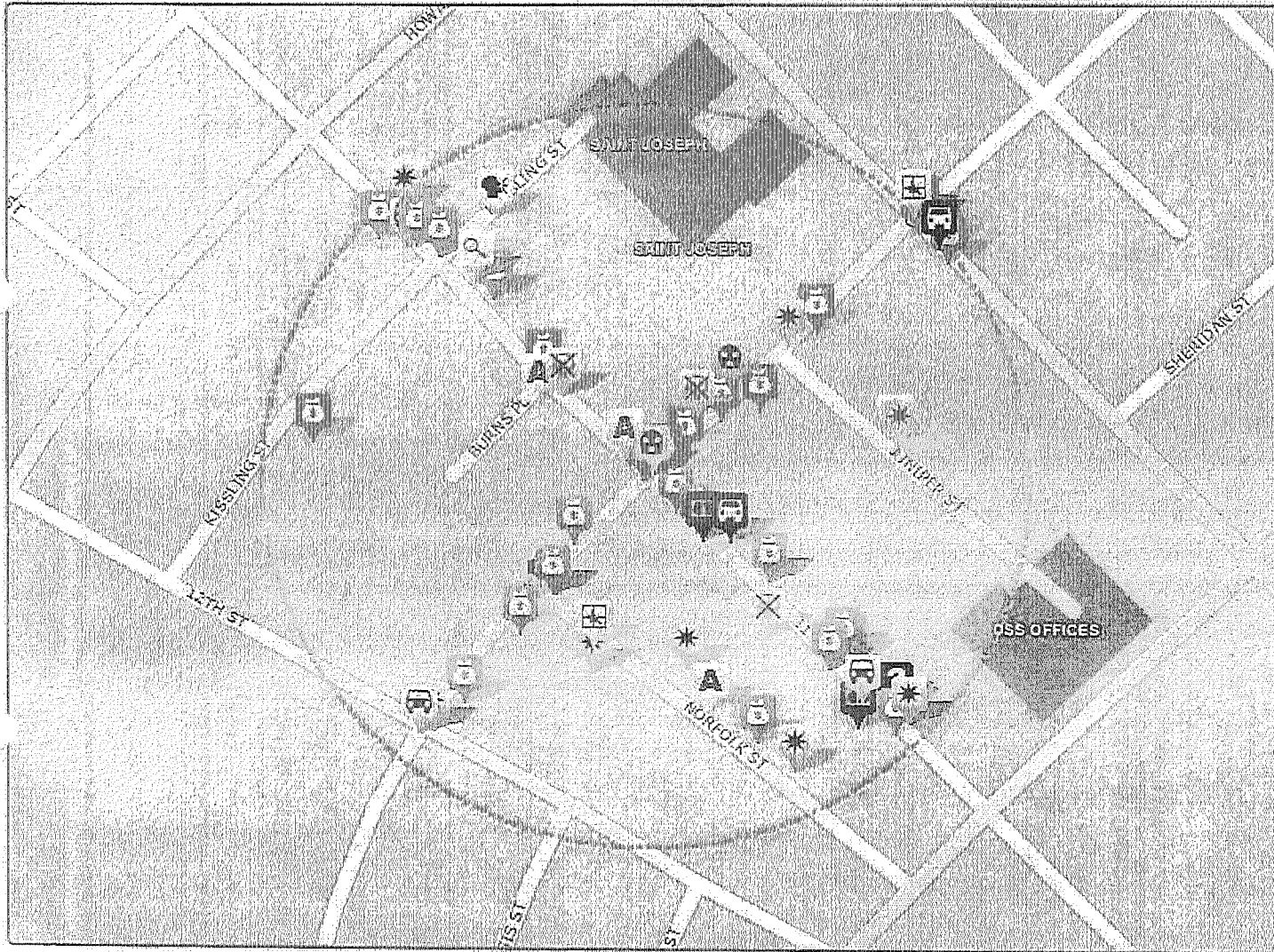
Conditions for Type 48 (On Sale General Public Premises)

1. Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 9: am – 2:00 a.m. on Sunday, and 5:00 p.m. to 2:00 a.m. Monday through Saturday and on New Year's Eve, Christmas Eve, Thanksgiving Eve, The Fourth of July, and the Sunday before Labor Day and Memorial Day.
2. On the rooftop deck-Sales, service and consumption of alcoholic beverages shall be permitted from 9:00 am to 12:00 am (midnight) every day of the week.
3. Security personnel shall be readily identifiable as security by wear distinctive clothing that has a logo of the establishment and the apparel shall state "SECURITY STAFF".
4. Between the hours of 8:00 p.m. and to until one half (1/2) hour past closing the petitioner(s) shall provide security personnel who shall maintain order therein and prevent any activity which would interfere with the quiet enjoyment of their property by nearby residents.
5. The sale of alcoholic beverages for off premises consumption is strictly prohibited.
6. No person under the age of twenty-one (21) shall sell, furnish, or deliver alcoholic beverages.
7. No noise shall be audible beyond the area under the control of the licensee(s).

8. The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
9. 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.
10. The interior lighting maintained therein shall be sufficient to make easily discernible the appearance and conduct of all persons and patrons in that portion of the premises where alcoholic beverages are sold, served, delivered or consumed.
11. 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.
12. At no time shall the licensee(s) allow a third party promoter to have any control over the marketing, management, operation, or staffing of this business.
13. Graffiti shall be removed from the premises and all parking lots under the control of the licensee(s) within 72hrs of application. If the graffiti occurs on a Friday or weekend day, or on a holiday, the licensee(s) shall remove the graffiti with 72hrs following the beginning of the next weekday.

End

1501 Folsom St
01/06/2013-01/06/2014



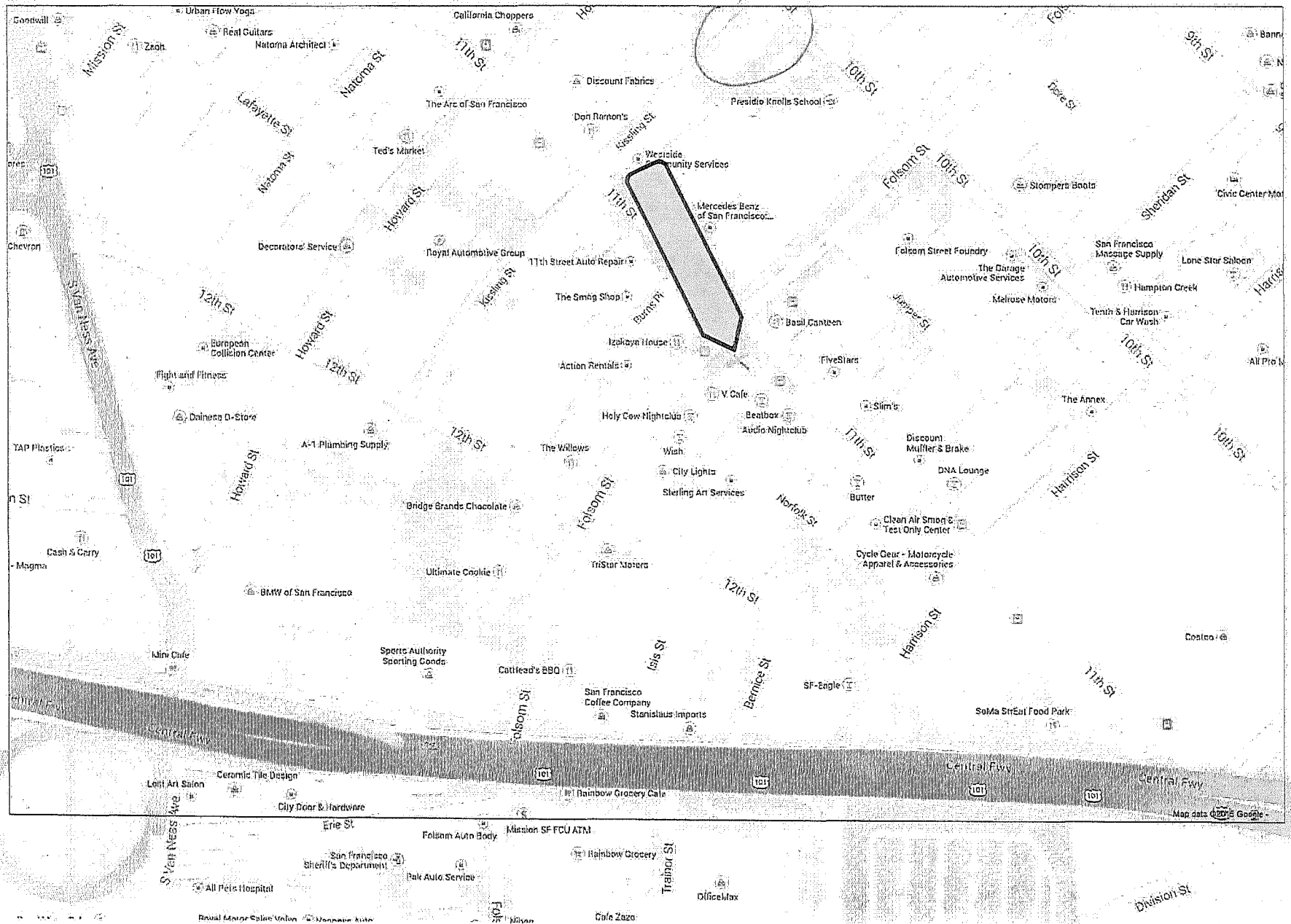
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| Incidents (403) | |
| | UNKNOWN (1) |
| | Larceny/Theft (207) |
| | Non-Criminal (66) |
| | Warrants (19) |
| | Other Offenses (18) |
| | Assault (16) |
| | Vandalism (15) ✓ |
| | Burglary (10) |
| | Vehicle Theft (8) |
| | Warrants (7) |
| | Missing Person (5) |
| | Drug/Narcotic (4) ✓ |
| | Fraud (4) |
| | Suspicious Occurrence (4) ✓ |
| | Robbery (4) ✓ |
| | Sex Offenses, Forcible (3) ✓ |
| | Drunkenness (2) ✓ |
| | Forgery/Counterfeiting (2) |
| | Recovered Vehicle (2) |
| | Weapon Laws (2) |
| | Trespassing (1) |
| | Arson (1) |
| | Disorderly Conduct (1) |
| | Secondary Codes (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.

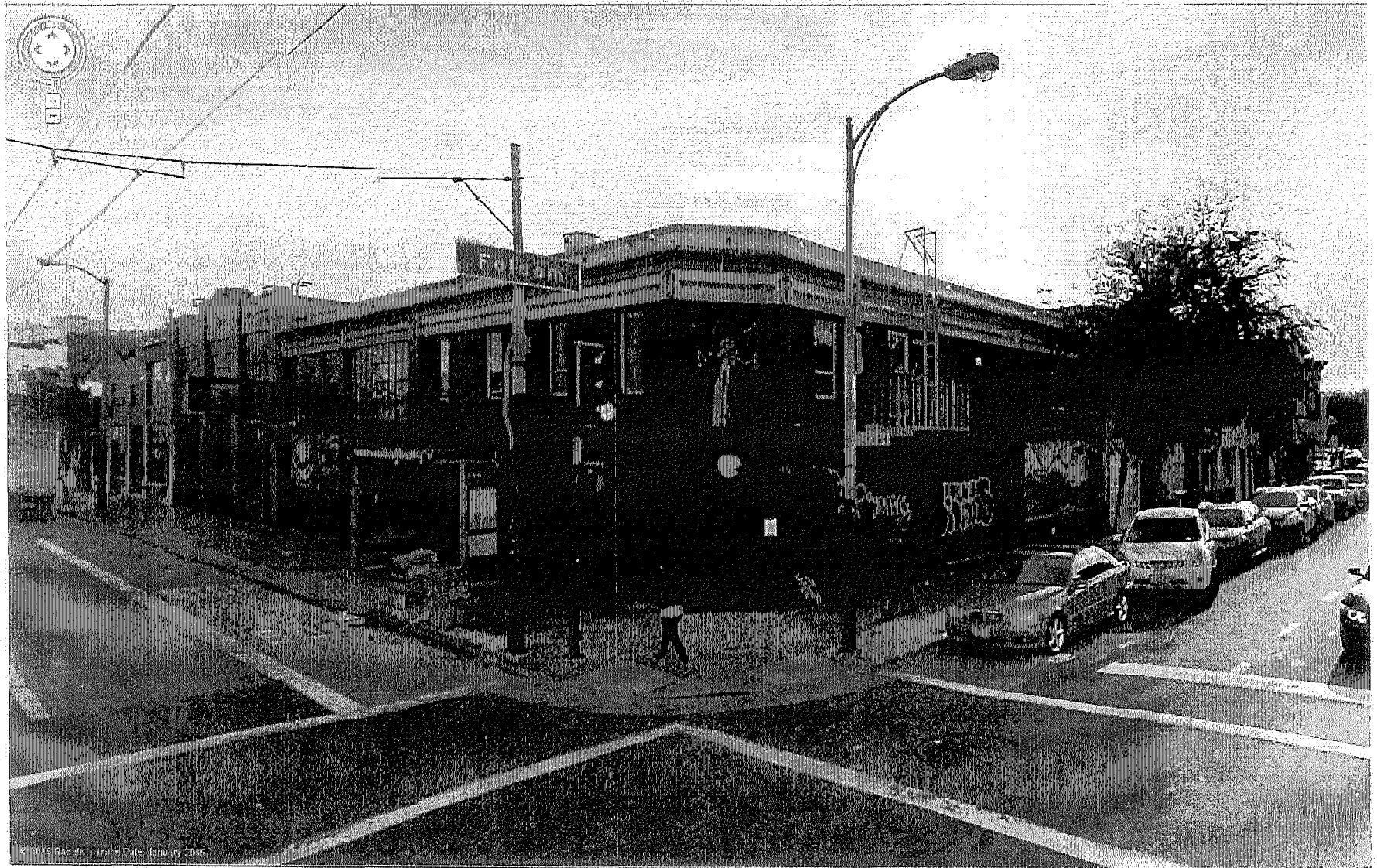
To see all the details that are visible on the screen, use the "Print" link next to the map.

Google



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

Google



LIQUOR LICENSE REVIEW

TO: Planning Department **File:** 140052
AnMarie Rodgers/CTYPLN/SFGOV
Georgia Powell/CTYPLN/SFGOV@SFGOV
Fax No.: 558-6409

Block/Lot: 3521/058

TO: Police Department
Officer Alberto Duarte
Inspector Darcy Keller
Fax No.: 553-1463

Zoning: WMUO

Quad: SE

MB# 1400123

DATE: January 21, 2014

This item is tentatively scheduled to be heard in four to six weeks.
PLEASE EMAIL YOUR RESPONSE BY: February 26, 2014, to Derek Evans,
Clerk, Neighborhood Services and Safety Committee.

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

Applicant Name: Leticia Maria Luna
and Business Name: LML Restaurants, Inc.
(1501 Folsom Street)

Applicant Address: 398 7th Street
San Francisco, CA 94103
and Phone No. (415) 786-2940

PLANNING COMMENTS: Approval Denial

APPROVE AS CONTINUATION OF (E) USE, TYPE 48 LICENSE

DJ Smith Jan 23, 2014

POLICE COMMENTS: Approval Denial

LIQUOR LICENSE REVIEW

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AnMarie Rodgers/CTYPLN/SFGOV
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and Phone No. (415) 786-2940

PLANNING COMMENTS: Approval Denial

Approved per Planning Commission Motion No. 19243
under case 2014.0497C on September 11, 2014.

POLICE COMMENTS: Approval Denial

Brittany Bendigo 12/18/14

Evans, Derek

From: Huisman, Angela (CPC)
Sent: Tuesday, June 03, 2014 2:56 PM
To: Evans, Derek; Vallejo, Vladimir (CPC)
Subject: RE: Liquor License Review for 1501 Folsom Street

Derek,

The applicant may continue operating under the existing conditions of approval as Diego and Danielle have made recommendations. However, the applicant has submitted a new request since the PCN response was transmitted. It is for a CU for the expansion that includes a roof deck. Regardless of whether or not the expansion is approved by the Planning Commission or not, the establishment would still be permitted to continue their use as they currently exist within their existing limitations. Danielle Harris is the assigned planner for the CU. She is currently out of the office and will not return until Monday, June 9th. If the information I am able to provide is not sufficient, please let me know and I'll get either Diego or Julian to provide additional information to you needed.

Danielle's approval for the Entertainment Commission on 4/4/14 was: Recommend approval of continuation of existing place of entertainment. Proposed operation shall continue to comply fully with the conditions of approval specified in Motion No. 11257, dated January 14, 1988 and Motion No. 11532, dated November 17, 1988. Planning Department will not permit the use of roof deck without Conditional Use Authorization from the Planning Commission. In conformance with P.C. Sec. 181(f) no intensification or expansion of the use.

Thanks,

Angie Huisman

Planner Technician
San Francisco Planning Department

From: Evans, Derek
Sent: Tuesday, June 03, 2014 2:44 PM
To: Vallejo, Vladimir (CPC)
Cc: Huisman, Angela (CPC)
Subject: RE: Liquor License Review for 1501 Folsom Street

Thanks Vladimir. I just want to double check that there is not anything outstanding that would affect Planning's recommendation for the PCN request, since this is a large expansion. Please advise.

Thank you,

Derek K. Evans
Assistant Committee Clerk
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102
Phone: (415) 554-7702 | Fax: (415) 554-5163
derek.evans@sfgov.org | www.sfbos.org

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.
<http://www.sfbos.org/index.aspx?page=104>

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From: Vallejo, Vladimir (CPC)
Sent: Tuesday, June 03, 2014 2:34 PM
To: Evans, Derek
Subject: RE: Liquor License Review for 1501 Folsom Street

Hi Derek,

There is an active CU but it's for an expansion. If you have more questions, you can contact Angie Huisman.

Thanks,

Vladimir Vallejo
Clerk

Planning Department, City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-575-6811 **Fax:** 415-558-6409
Email: vladimir.vallejo@sfgov.org
Web: www.sfplanning.org

From: Evans, Derek
Sent: Tuesday, June 03, 2014 2:28 PM
To: Vallejo, Vladimir (CPC)
Subject: RE: Liquor License Review for 1501 Folsom Street

Hi Vladimir, I just wanted to confirm that a CU was not needed for this item.

Thank you,
Derek

From: Vallejo, Vladimir
Sent: Tuesday, February 04, 2014 2:23 PM
To: Evans, Derek
Subject: Liquor License Review for 1501 Folsom Street

Hi Derek,

Here is the liquor license review for 1501 Folsom Street.

Thanks,

Vladimir Vallejo
Clerk

Planning Department, City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-575-6811 **Fax:** 415-558-6409

Email:vladimir.vallejo@sfgov.org
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AnMarie Rodgers/CTYPLN/SFGOV
Georgia Powell/CTYPLN/SFGOV@SFGOV
Fax No.: 558-6409

File: 140052

TO: Police Department
Officer Alberto Duarte
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Block/Lot: 3521/058
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DATE: January 21, 2014

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Applicant Address: 398 7th Street
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and Phone No. (415) 786-2940

PLANNING COMMENTS: Approval Denial

APPROVE AS CONTINUATION OF (E) USE, TYPE 48 LICENSE

DJ Smith Jan 23, 2014

POLICE COMMENTS: Approval Denial

Evans, Derek

From: Vallejo, Vladimir
Sent: Tuesday, February 04, 2014 2:23 PM
To: Evans, Derek
Subject: Liquor License Review for 1501 Folsom Street
Attachments: MB1400123 - 1501 Folsom Street.pdf

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Thanks,

Vladimir Vallejo
Clerk

Planning Department, City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-575-6811 **Fax:** 415-558-6409
Email: vladimir.vallejo@sfgov.org
Web: www.sfplanning.org

1-17-2014

My name is Leticia Maria Luna and my contact phone number is 415-786-2940.

The business premises address is 1501 Folsom St. /308 11th St. San Francisco, Ca.

We are applying for a transfer of the currently licensed premises type 48 ABC license, at 1501 Folsom St. /308 11th St. San Francisco, Ca.

The business name is still unknown, my business hours of operation shall be from 4: pm until

2: am, including brunch Saturdays and Sundays from 11: am until 3: pm seven days per week.

My background in the restaurant & night club business extends over a period of 30 plus years in San Francisco with a fine record beginning in 1979 with Line Up Rest. At 398 7th St. Leticia's on Market St. La Posada on Fillmore St. and Roccapulco Supper Club from 1998-2007 formerly known as Cesar's Palace which I managed to turnover into an orderly establishment which I then sold for personal reasons. I would like to return to SOMA where I first began and revamp and brighten up 1501 Folsom St. into a prominent high end, well lit night club for 21 & over catering more to an older crowd with dress code and presenting headliners periodically. I would be employing about 40 persons. 1501 Folsom is a large building which I would like to form as such; a 21 & over night club on the first floor continuing to the second floor with the addition of a restaurant and bar. On the 3rd floor which is the rooftop I would like to continue the restaurant & bar with a partially open roof top.

Thank you,



Leticia M. Luna

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2014 JAN 17 AM 8:47
[Handwritten initials]

INFORMATION AND INSTRUCTIONS -

SECTION 23958.4 B&P

Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.

- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
- Part 2 is to be completed by the applicant, and returned to ABC.
- Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT'S NAME

LML RESTAURANTS, INC

2. PREMISES ADDRESS (Street number and name, city, zip code)

1501 Folsom ST., 308 11th St., San Francisco, CA

3. LICENSE TYPE

48

4. TYPE OF BUSINESS

- | | | | |
|---|--|--|--|
| <input type="checkbox"/> Full Service Restaurant | <input type="checkbox"/> Hofbrau/Cafeteria | <input type="checkbox"/> Cocktail Lounge | <input type="checkbox"/> Private Club |
| <input type="checkbox"/> Deli or Specialty Restaurant | <input type="checkbox"/> Comedy Club | <input checked="" type="checkbox"/> Night Club | <input type="checkbox"/> Veterans Club |
| <input type="checkbox"/> Cafe/Coffee Shop | <input type="checkbox"/> Brew Pub | <input type="checkbox"/> Tavern: Beer | <input type="checkbox"/> Fraternal Club |
| <input type="checkbox"/> Bed & Breakfast: | <input type="checkbox"/> Theater | <input type="checkbox"/> Tavern: Beer & Wine | <input type="checkbox"/> Wine Tasting Room |
| <input type="checkbox"/> Wine only <input type="checkbox"/> All | | | |
-
- | | | | |
|---|--|--|--|
| <input type="checkbox"/> Supermarket | <input type="checkbox"/> Membership Store | <input type="checkbox"/> Service Station | <input type="checkbox"/> Swap Meet/Flea Market |
| <input type="checkbox"/> Liquor Store | <input type="checkbox"/> Department Store | <input type="checkbox"/> Convenience Market | <input type="checkbox"/> Drive-in Dairy |
| <input type="checkbox"/> Drug/Variety Store | <input type="checkbox"/> Florist/Gift Shop | <input type="checkbox"/> Convenience Market w/Gasoline | |
| <input type="checkbox"/> Other - describe: | | | |

5. COUNTY POPULATION

2128 / 812,820

6. TOTAL NUMBER OF LICENSES IN COUNTY

317

On-Sale Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY

On-Sale Off-Sale

8. CENSUS TRACT NUMBER

177

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

7

On-Sale Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

40

On-Sale Off-Sale

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)

- Yes, the number of existing licenses exceeds the number allowed
- No, the number of existing licenses is lower than the number allowed

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

- Yes (Go to Item #13) No (Go to Item #20)

13. CRIME REPORTING DISTRICT NUMBER

230

14. TOTAL NUMBER OF REPORTING DISTRICTS

653

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

46,883

16. AVERAGE NO. OF OFFENSES PER DISTRICT

72

17. 120% OF AVERAGE NUMBER OF OFFENSES

86

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

134

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)

- Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17
- No, the total number of offenses in the reporting district is lower than the total number in item #17

20. CHECK THE BOX THAT APPLIES (check only one box)

- a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.
- b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.
- c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name:

SF BOARD OF SUPERVISORS

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

PART 2 - TO BE COMPLETED BY THE APPLICANT (If box #20b is checked)

21. Based on the information on the reverse, the Department may approve your application if you can show that public convenience or necessity would be served by the issuance of the license. Please describe below the reasons why issuance of another license is justified in

22. APPLICANT SIGNATURE

23. DATE SIGNED

PART 3 - TO BE COMPLETED BY LOCAL OFFICIALS (If box #20c is checked)

The applicant named on the reverse is applying for a license to sell alcoholic beverages at a premises where undue concentration exists (i.e., an over-concentration of licenses and/or a higher than average crime rate as defined in Section 23958.4 of the Business and Professions Code). Sections 23958 and 23958.4 of the Business and Professions Code requires the Department to deny the application unless the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. Please complete items #24 to #30 below and certify or affix an official seal, or attach a copy of the Council or Board resolution or a signed letter on official letterhead stating whether or not the issuance of the applied for license would serve as a public convenience or necessity.

24. WILL PUBLIC CONVENIENCE OR NECESSITY BE SERVED BY ISSUANCE OF THIS ALCOHOLIC BEVERAGE LICENSE?

Yes

No

See Attached (i.e., letter, resolution, etc.)

25. ADDITIONAL COMMENTS, IF DESIRED (may include reasons for approval or denial of public convenience or necessity):

26. CITY/COUNTY OFFICIAL NAME

27. CITY/COUNTY OFFICIAL TITLE

28. CITY/COUNTY OFFICIAL PHONE NUMBER

29. CITY/COUNTY OFFICIAL SIGNATURE

30. DATE SIGNED

LIQUOR LICENSE REVIEW

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

File: 140052

TO: Police Department
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DATE: January 21, 2014

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