

File No. 121063

Committee Item No. 3

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Neighborhood Services and Safety Date 3/7/13

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

OTHER (Use back side if additional space is needed)

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Completed by: Andrea Ausberry Date 2/28/13

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 and
Necessity Recommendation*

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

From: Inspector Nelly Gordon *NG 914*
ABC Liaison Unit (ALU) 553-1049

Date: January 22, 2013

Subject: P.C.N. Investigation Regarding:

DBA: The Battery
717 Battery Street
Michael Brewer
951/698-6868

MXB Battery Operations has filed an application with the California Department of Alcoholic Beverage Control (ABC) seeking a Type-57 (Special On-Sale General) and Type-58 (Caterer's Permit) license for 717 Battery Street (located on the west side of Battery Street between Pacific and Broadway).

It should be noted that during the application process, notification date for the 500' mailer was on October 9, 2012. The Notice to the Public was posted on October 8, 2012.

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 July 2011 to July 2012

2 Police calls

Police Reports: From July 2011 to July 2012

0

San Francisco Plot Information:

This premise is located in Plot 142

The High Crime area is defined as 72 or more police reports in a plot.

This plot had 73 police incidents recorded for 2011.

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

State Census Tract Information:

This premise is located in Census Tract 0105.00

Population for this tract is: 2,685

On-sale license authorized by census tract: 9

Active on-sale licenses: 37

Off-sale licenses authorized by census tract: 2

Active off-sale licenses: 10

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

Letters of Protest:

4 recorded with the California Department of Alcoholic Beverage Control, (ABC).

Letters of Support:

14 recorded with the California Department of Alcoholic Beverage Control, (ABC).

Departmental Recommendation:

No opposition from Central Police Station

ALU recommends approval.

Thank you

DEPT OF ALCOHOL BEVERAGES CONTROL
SAN FRANCISCO DISTRICT OFFICE
33 NEW MONTGOMERY ST SUITE 1230
SAN FRANCISCO, CA 94105-4509

DEAR ABC

MY NAME IS MARCUS J. PHILLIPS I'M THE
PUBLIC SAFETY CHAIR OF THE ALLIANCE FOR A BETTER
DISTRICT 6, WE OF THE ALLIANCE FOR A BETTER
DIST. 6 SUPPORT LICENSE APPLICATION # 526444
MXB BATTERY OPERATIONS, L-PSHIP FOR
"THE BATTERY" AT 717 BATTERY ST IN SAN
FRANCISCO, CA 94111.

WE GIVE ARE TOTAL SUPPORT FOR THE TYPE S7
& TYPE S8 LICENSE APPLICATION'S FOR THE BATTERY.

THIS TYPE OF COMMUNITY BASED BUSINESS IS A
FINE EXAMPLE OF A GOOD QUALITY BUSINESS THAT
WILL STRENGTHEN THE QUALITY OF LIFE FOR
THIS AREA OF OUR COMMUNITY.

SINCERELY

MARCUS J. PHILLIPS
PUBLIC SAFETY CHAIR
ABDG

cc: SFPD-ALU 850 BRIGADE
cc: SFPD-PERMIT-CENTRAL
cc: FILE

08 HRS
OCT 12

export To  **New!**

Records **1** through **2** of **2**

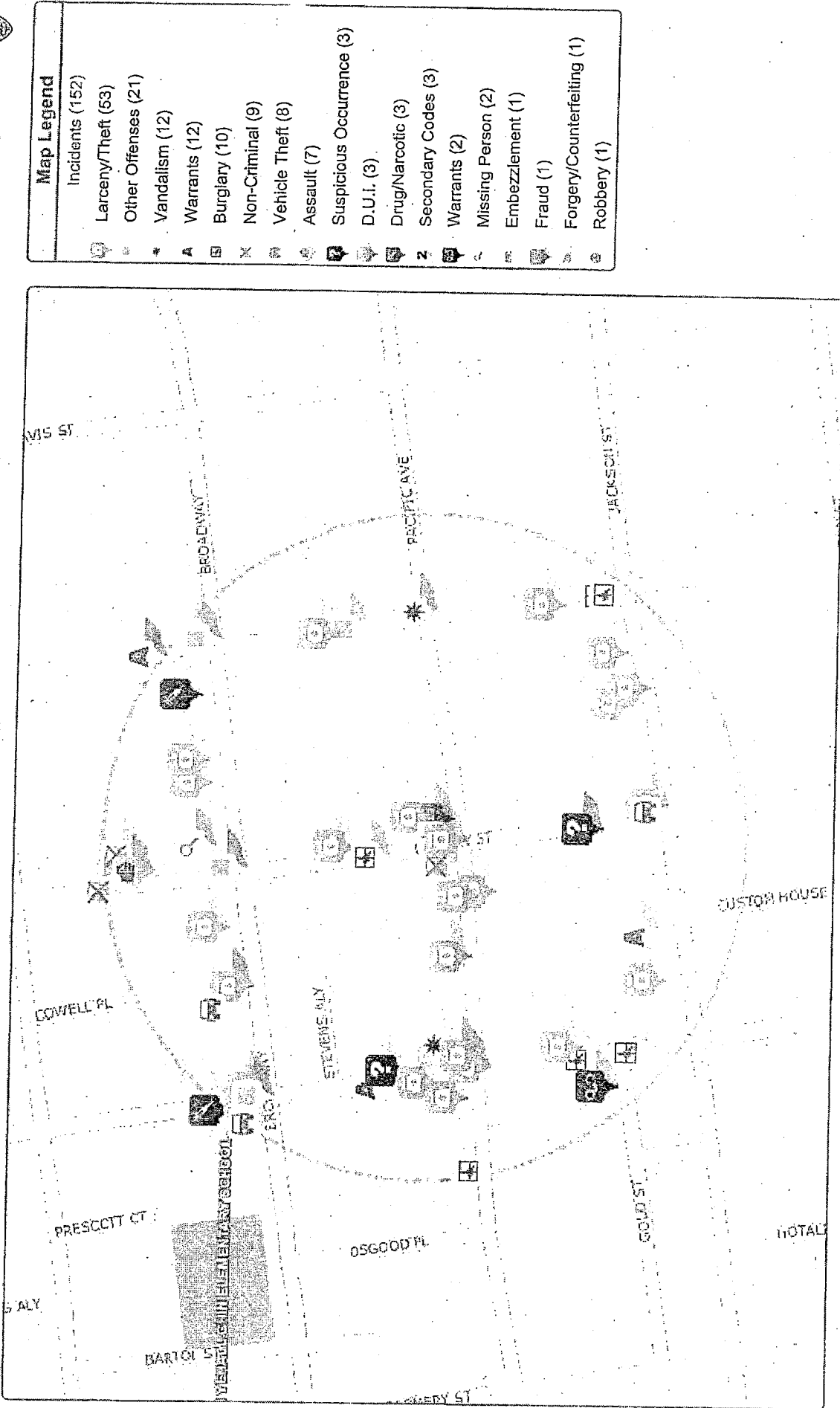
Call No	Report No	Received Date	Received Time	Priority	Call Type	Unit ID	Disposition	Location
120282994		01/28/2012	20:16:56	I	000			717 BATTERY ST
113020596		10/29/2011	03:02:07	B	601	3A12E	GOA	717 BATTERY ST

End of document

Call No	Agency	Call Type	Disposition
Report No	Jurisdiction	Dispatch Area	# Prior Calls
Unit ID	Origin	Dept ID	Priority
Rep Area	Area	Sector	
Location 717 BATTERY ST			Range
Apartment	City		
Entry Oper	Dispatch Oper		
From Date 04/01/2012	To Date 10/01/2012	From Time	To Time
Comments			
<input type="text"/> <input type="button" value="Search"/>			

No hits found

717 Battery St-500' radius
10/3/2011-10/01/2012




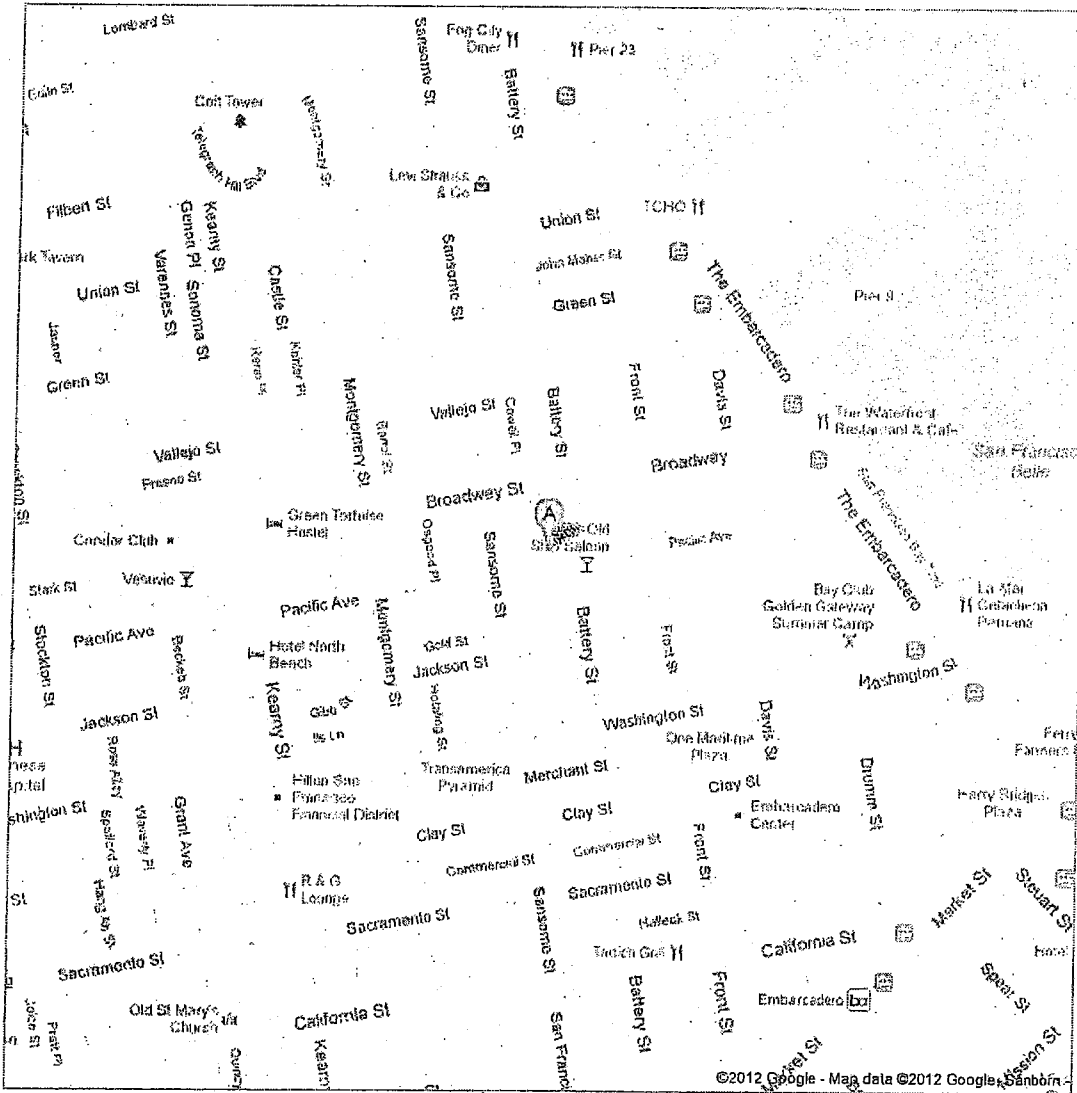
All representations on this map are distributed and transmitted "AS IS" without warranties of any kind, either expressed or implied including without limitation, warranties of title or implied warranties of merchantability or fitness for a particular purpose. In no event shall San Francisco Police Department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



Address 717 Battery St
San Francisco, CA 94111

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

San Francisco Planning Department
Office of Analysis and Information Systems

Miscellaneous Permit Application

Application Number: MB1201984

Business Name: THE BATTERY

Received Date: 11/07/2012

Reply Date: 11/21/2012

Agency: BofS

Type: OTHER

Address: 717 BATTERY ST

Floor:

Size:

Block: 0165 Lot: 022 Zoning: C-2

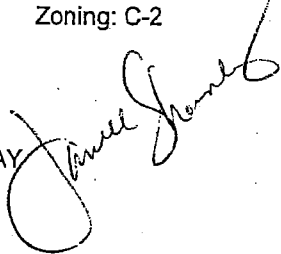
Quadrant: NORTHEAST

Existing Use:

Planner: JANICE SHAMBRAY

Decision: APPROVED

Status Comment:



Conditions: PER SECTION 218 (B) OF THE PLANNING CODE.

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2012 OCT 26 PM 1:43

October 26, 2012

lc

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

Re: Liquor License "PCN" Request – 717 Battery Street – "The Battery"
Our File No.: 6308.02

Dear Ms. Calvillo:

Our office represents MXB Battery Operations, L.P. ("MXB"), the project sponsor of a proposed new membership club and hotel located at 717 Battery Street (the "Project"). The existing building at the site is the historic Musto Building, which was built in 1907 and used as office space until the building was red-tagged as an Unreinforced Masonry Building nine years ago. It is currently undergoing a major renovation and will house the various operations of the club when complete, sometime in early- to mid-2013.

Background

The Musto Building renovation will consist of a seismic upgrade, the construction of an additional story, the excavation and creation of a below-grade level, and the construction of a small accessory building along Pacific Avenue to be used for service operations. All of this will maintain and preserve the historic character of the building. A 4,700 square foot landscaped, outdoor courtyard would occupy an interior open area of the lot. The open area will be separated from the street frontage along Pacific Avenue by a gate and from the adjacent property to the west by a 24-foot-tall wall. When completed, the building will be used as a membership club and boutique hotel (dba "The Battery").

The club will consist of a restaurant, lounge and several bar areas. A gym and spa will be located in the basement level. 15 hotel suites will be located on the third and fourth floors of the building, including a penthouse suite at the fourth floor. An event space will be provided at the second floor. There will be three permanent bar areas on the first and second floor. An outdoor bar in the courtyard area will be open as weather permits. The total anticipated revenue from alcohol sales at the club is expected to be roughly 27% of total revenue.

There will be up to roughly 2,400 members of the club. Initially, the club will have somewhere between 800 and 1,200 members, to be increased slowly to ensure the premises does not become overly-crowded. The goal of the club is to provide a relaxing, social environment

121163

that promotes conversation and interaction between members and guests. The maximum occupancy of the club would be close to 500, but that number would only be reached in the event where there is full occupancy of all portions of the property – which is not expected to occur often. The hotel suites will be open to the public and members of the club. A renter of a hotel suite will be deemed a member of the club during his or her occupancy. The club is open to members and their guests only (each member may be accompanied by up to 3 guests on-site at any time).

The Battery is not, nor will it function like, a nightclub or a typical bar. No live entertainment will be provided on a regular basis and will only be available for special events. A DJ will play mid-volume background music in the restaurant and lounge areas. There will be no dancehall or club music. The combination of club and hotel uses on one site ensures that the club will be operated in a way that will not cause a nuisance to hotel guests. There will be an event space that can be rented out by club members or members of the public. Expected events include private parties, lectures and other gatherings. Any non-member event serving alcohol will require an additional separate permit from the California Department of Alcohol and Beverage Control.

24-hour private security will be provided at the club. Roughly 28 security cameras will also be installed throughout the building. The intent of this is to provide a safe, secure environment for members and guests. Access to the building, and the purchase of alcohol, will be controlled by key cards issued to members and hotel room renters only. Between 2 a.m. and 6 a.m., the building main entrance will be locked and can only be opened using key cards issued to late returning hotel guests.

Hours of operation are expected as follows:

- Restaurant: 7 a.m. to 11 p.m.
- Main Bar: 11:30 a.m. to 12 a.m. (Sun-Thurs)
11:30 a.m. to 1 a.m. (Fri and Sat)
- Patio/Wine Bar: 11:30 a.m. to 11 p.m. (Sun)
5 p.m. to 1 a.m. (Mon-Sat)
- Members Lounge: 11:30 a.m. to 12 a.m. (Sun)
5 p.m. to 12 a.m. (Mon-Thurs)
5 p.m. to 1 a.m. (Fri-Sat)
- Musto Bar: 5 p.m. to 12 a.m. (Sun-Thurs)
5 p.m. to 1 a.m. (Fri-Sat)

One Bush Street, Suite 600
San Francisco, CA 94104

tel: 415-567-9000
fax: 415-399-9480

Ms. Angela Calvillo

October 26, 2012

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PCN Request

MXB now seeks a type-57 special on-sale general license from the California Department of Alcohol Beverage Control ("ABC"). MXB has filed an application with ABC for a license transfer (License No. 48365816). The license would be transferred from Our Place Bar, located at 4461 Mission Street, to The Battery at 717 Battery Street. Due to the overconcentration of this type of ABC license in the census tract where the The Battery will be operated, MXB must obtain a determination by the Board of Supervisors that the public convenience and necessity will be served by the issuance of this license for operations at 717 Battery Street.

Allowing the sale of alcohol on-premises at The Battery would serve the public convenience and necessity by providing an innovative club bridging together members of San Francisco's tech, non-profit and arts communities, as well as providing 15 additional boutique hotel rooms to the public.

One goal of the membership club is to provide an environment for members of several of San Francisco's core arts and employment sectors to interact and exchange ideas in an informal setting. With the recent growth and increasing significance of San Francisco's tech industry, it is now more important than ever for this community to have opportunities to interact with San Francisco's celebrated non-profit and arts communities.

Membership clubs have a long history of community service in San Francisco but younger members of the business community are often looking for a less formal atmosphere than traditional clubs. The goal of The Battery is to create a new generation of club while maintaining the great tradition of local philanthropy.

The Battery would also provide 15 boutique hotel rooms which are open to the public. Those who spend a night at the hotel will have club privileges, so they can interact with club members in the restaurant, lounge and other community areas. Members can also bring a limited amount of guests to the club, further expanding the opportunities to participate in this unique meeting place of San Francisco communities.

The club will be managed by Anthony "Tex" Doughty, who has a long history of club, hotel and restaurant management throughout the world, and who will also live just two blocks from the property. (Mr. Doughty's CV is attached as Exhibit A.) Mr. Doughty will work closely with the San Francisco Police Department to ensure club operations do not impact the surrounding neighborhood. As the club has several different functions (restaurant, lounge, bars, common areas, hotel suites), it will be operated in a way that will avoid conflict amongst those various functions. Most significantly, the restaurant, lounge and bars will be operated in a manner that will not disturb hotel guests, and therefore noise or other potential impacts of these uses will not affect those living in the vicinity of the club.

One Bush Street, Suite 600
San Francisco, CA 94104

tel: 415-567-9000
fax: 415-399-9480

REUBEN & JUNIUS

www.reubenlaw.com

Ms. Angela Calvillo

October 26, 2012

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The club will also provide significant employment opportunities for San Francisco residents. Once in operation, the club is expected to employ approximately 150 workers in hospitality, security and management positions.

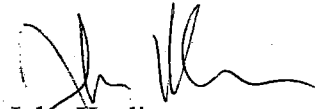
In conclusion, The Battery will provide a truly unique social opportunity for San Franciscans from a variety of communities (whether members, hotel renters, or guests). MXB has made a significant investment to upgrade the building, rehabilitate it in a way that preserves its historic character, and modernizes it to be used well into the future. The result will be a vibrant club that will not create negative impacts off-site. The Battery will also activate two block faces, increase pedestrian activity in the neighborhood, and ensure that the Musto Building will no longer be a refuge for loiterers or tagged by vandals. In short, it provides all the benefits of an activated building without any of the impacts of a typical entertainment use.

For the reasons outlined above, I respectfully request that this letter be forwarded to the City Operations and Neighborhood Services Committee of the Board and that the Committee and the full Board of Supervisors make a determination under California Business & Professions Code §23958.4 that the public need or convenience would be served by the issuance of a type-57 special on-sale general license to The Battery.

Please contact me at (415) 567-9000 or jkevin@reubenlaw.com with any questions you have.

Very truly yours,

REUBEN & JUNIUS, LLP



John Kevin

Encl.

One Bush Street, Suite 600
San Francisco, CA 94104

tel: 415-567-9000
fax: 415-399-9480

REUBEN & JUNIUS LLP

www.reubenlaw.com

Anthony "Tex" Doughty

Bespoke professional Food and Beverage Consultant/ Director of Operations with a proven history of financial performance & staff management. Seasoned Restaurant & Lounge manager in French/Asian - French/American fusion Michelin Starred, 5-Star, 5-Diamond environments. Fully proficient in P&L/Budget management. Experienced in opening & managing major venues.

Food & Beverage Consultant

Raffles Hotel Singapore

July 2010 – April 2011 (10 months)

Home of the Singapore Sling

Examine and analyze all the F & B outlets within Raffles then to conceive and implement new concepts to drive revenues and deliver a higher guest satisfaction and a higher quality of product associated with each outlet. Implement and update food items, menus and devise training programmes to accompany any changes. Implement and update beverage offerings including a complete overhaul of the Singapore Sling. Devise new training manuals to expand staff knowledge on key items. Conceive a new range of Cocktails and introduce more upscale and contemporary beverage offerings for the Long Bar, Bar and Billiard room, Courtyard bar and Writers Bar.

Develop a model for further F & B concept changes that can be rolled out across the other properties in the group portfolio at a later stage.

AGM - Director of Operations - Mix -Alain Ducasse

Mandalay Bay MGM Las Vegas

February 2005 – July 2010 (5 years 6 months)

Mix is the vision of Alain Ducasse, the culinary world's most renowned chef. The restaurant features contemporary & classic French & American dishes with global accents, as well as signature dishes from his restaurants in Paris & Monte Carlo. Mix restaurant, a 110 table restaurant featuring a \$500,000, 14,571-glass bulb chandelier. The intimate 398-capacity Ultra-lounge and Nightclub features wall-to-wall black leather décor with red lighting. The balcony with low lounges & tables allow guests to sit back, relax & take in an amazing view of the Strip.

Mix was awarded 1 Michelin Star in the Las Vegas 2008 and 2009 ratings. AAA 4 diamond Award 2008, 2009. Mobil 4 Star award 2008, 2009.

6th highest grossing restaurant in the USA 2007. (R&I)

Highest grossing Michelin starred restaurant in the world

Operations Manager

Crobar Nightclub

August 2003 – September 2004 (1 year 2 months)

Crobar is a nightclub chain that is currently located in Chicago, Los Angeles & Buenos Aires. Former locations in New York City & Miami were recently closed & bought out by new owners. Crobar New York was the biggest club in the city's history holding over 4,000 people.

General Manager

Man Ray Restaurant and Nightclub

July 2002 – August 2003 (1 year 2 months)

An offshoot of the international sensation of the original Paris Man Ray. Ultra hip and chic, New York's Man Ray is just as hot as its Gallic sister. A mellow Asian-inspired menu fits perfectly with the dimly lit dining room's Buddhist calm. Man Ray also releases its own compilation music albums containing music played and mixed within. Part owned by American actors Johnny Depp, John Malkovitch, producer Harvey Weinstein and British musician Mick Hucknell of the band Simply Red

General Manager

Nells Nightclub New York City

November 1994 – November 2001 (7 years 1 month)

Nells was a nightclub in downtown Manhattan. It opened in 1986 and closed May 30, 2004. Decorated as a slightly shabby 19th century English men's club, Nell's afforded its upscale patrons a place to eat, sit, socialize, and listen to live music.

Founding member of the New York Nightlife Association

<http://www.nysra.org/associations/2487/files/NYNA.About.2010.pdf>

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 MXB Battery Operations, LP			
2. PREMISES ADDRESS (Street number and name, city, zip code) 717 Battery St., San Francisco, CA 94111-1501			3. LICENSE TYPE 57
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 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 812,820	6. TOTAL NUMBER OF LICENSES IN COUNTY 284	7. RATIO OF LICENSES TO POPULATION IN COUNTY	
	<input checked="" type="checkbox"/> On-Sale <input type="checkbox"/> Off-Sale	<input type="checkbox"/> On-Sale <input type="checkbox"/> Off-Sale	
8. CENSUS TRACT NUMBER 105	9. NO. OF LICENSES ALLOWED IN CENSUS TRACT 9	10. NO. OF LICENSES EXISTING IN CENSUS TRACT	
	<input checked="" type="checkbox"/> On-Sale <input type="checkbox"/> Off-Sale	<input checked="" type="checkbox"/> On-Sale <input type="checkbox"/> 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.)			
<input checked="" type="checkbox"/> Yes, the number of existing licenses exceeds the number allowed			
<input type="checkbox"/> No, the number of existing licenses is lower than the number allowed			
3x PUB			
12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?			
<input checked="" type="checkbox"/> Yes (Go to Item #13) <input type="checkbox"/> No (Go to Item #20)			
13. CRIME REPORTING DISTRICT NUMBER 142	14. TOTAL NUMBER OF REPORTING DISTRICTS 654	15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS 117,571	
16. AVERAGE NO. OF OFFENSES PER DISTRICT 179	17. 120% OF AVERAGE NUMBER OF OFFENSES 214.8	18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT 171	
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)			
<input type="checkbox"/> Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17			
<input checked="" type="checkbox"/> 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)			
<input type="checkbox"/> 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.			
<input type="checkbox"/> 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.			
<input checked="" type="checkbox"/> 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)

willie bulanadi

LIQUOR LICENSE REVIEW

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

File: 121063

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

DATE: November 7, 2012

This item is tentatively scheduled to be heard in four to six weeks.
PLEASE EMAIL YOUR RESPONSE BY: December 20, 2012, to Derek Evans,
Clerk, City Operations and Neighborhood Services Committee.
Derek.Evans@sfgov.org - Fax No: 554-7714

Applicant Name: MXB Battery Operations
and Business Name: The Battery (717 Battery Street)

Applicant Address: 1 Bush Street, Suite 600
San Francisco, CA 94104
and Phone No. (415) 567-9000 – Attn: John Kevlin

PLANNING COMMENTS: Approval Denial

POLICE COMMENTS: Approval Denial

