

Major, Erica (BOS)

From: Perry, Andrew (CPC)
Sent: Wednesday, February 10, 2016 2:52 PM
To: petercfriel@gmail.com
Cc: Major, Erica (BOS); Sembrano, Jason@ABC
Subject: 460/456 Larkin Street - Liquor License Review

Hello Peter,

I am reviewing your application for Harry Harringtons Pub and the adjacent, currently vacant, commercial space at 456 Larkin Street. With the information provided and property history, I'm afraid I cannot currently approve the referral, however I could place it on hold until the matters are resolved.

I have also copied Jason from ABC on this email, as I'm not entirely certain that a Type 48 License would be permitted to cover alcohol sales with a Restaurant as a Bona Fide Eating Place – you may need a Type 47 instead. Jason, if you or someone from your department could weigh in on this matter, that'd be appreciated.

For Planning's review purposes, please consider the following:

- The current use of 460 Larkin is for a Bar, a premise where "no person under 21 years of age is admitted".
- The last use of 456 Larkin was for a Retail, Tobacco Paraphernalia Establishment. In order to establish a Restaurant use, you must go to the Department of Building Inspection (DBI) and file a building permit application for the change of use to Restaurant. You would still need this change of use building permit through DBI, if you were instead to propose expansion of the bar use into the 456 Larkin space (see last point below).
 - A Restaurant that sells alcohol, under the Planning Code, must operate as a Bona Fide Eating Place, where 51% or more of gross receipts must be from food sales.
 - If the intention is to create one contiguous space between 460 and 456 Larkin, it would need to be formalized as one of the following:
 1. The entire space is considered a Restaurant, likely with a Type 41 or 47 License instead of the current 48, and there is not an age restriction on customers that may enter.
 2. The entire space is considered a Bar, with the current Type 48 License, no entrance for those under 21, and any food preparation and service would have to be considered an accessory use and may not exceed 1/3 of the total floor area occupied by the use.
 3. There are separate Bar and Restaurant areas, although I imagine ABC may have an issue with this, or it would be difficult to enforce limiting patrons in the Restaurant portion who are under 21 from entering the designated Bar use area.

In short, regardless of how you choose to proceed, I cannot approve the current ABC referral for a Type 48 License at the 456 Larkin space, as the last use was Retail Tobacco Paraphernalia, which would not permit such a license. A change of use permit is required through DBI; this permit could be approved over-the-counter as both Bar and Restaurant uses are permitted by right in the District and are not subject to neighborhood notification.

Please let me know if you have any questions.

Thank you,

Andrew Perry
Planner, NE Quadrant, Current Planning

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