

File No. 110544

Committee Item No. 2

Board Item No. _____

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

Committee: **City Operations & Neighborhood
Services Committee**

Date 8/2/11

Board of Supervisors Meeting

Date _____

LIQUOR LICENSE HEARING

Cmte Board

- Applicant's Letter
- Police Department Report
- Planning Department Report
- Clerk's Correspondence
- Public Correspondence
- Resolution
- Other

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

Completed by Gail Johnson
Completed by _____

Date 7/28/11
Date _____

District Merchants Association, and works with neighboring businesses to resolve merchant resident issues. She also is involved in neighborhood clean up, organized bottle pick-up from neighborhood bars, and has raised money for underprivileged teens in the Tenderloin to go to summer camp.

Our proposed location is 1423 Polk Street. We are also changing the name of the business to the HI-LO Club. KoKo's relocation is not intended as an expansion. The usable square footage of the Polk Street location is roughly the same as KoKo's current location and the maximum occupancy will remain at 49. Bar operating hours will be from 4:00 PM to 1:30 AM. We also plan to add coffee service from 8:00 AM to 4:00 PM. We will serve take out from a cart through a sliding window. We have a 5' set back off the city right of way for our customers to be on our property. We also have a 4' X 16' area for us to create an area for waiting so we will not obstruct the public right of way on the sidewalk area. The bar doors will be locked to the public during the day. By adding coffee service daily, we can help control loitering, graffiti, and keep the sidewalks clean in the area. Adding take out coffee service to the community will also allow us to employ more people.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lori Martens". The signature is fluid and extends across the width of the text block.

Lori Martens
415-670-0497

Safety and Management Plan

Hi-Lo Club

We take the safety of our patrons, employees, and neighbors very seriously. We have taken a no nonsense approach to concerns and provide a controlled environment. It is our goal to be good neighbors to our community. We have maintained a spotless record with both the Alcohol and Beverage Control and the San Francisco Police Department by taking these responsible measures.

Security Measures

- **Security Camera's on the interior and exterior**
- **All employees L.E.A.D trained by the ABC**
- **No unruly behavior tolerated**
- **No disrespectful behavior tolerated**
- **No one under 21 allowed**
- **No intoxicated persons allowed**
- **No service to intoxicated persons**
- **Non-alcoholic beverages available**
- **Door security nightly**
 - Easily identifiable uniform**
 - Controls access to venue**
 - Security for customers, employees, and neighbors**
 - Checks for proper Identification**
 - Counts all persons entering and exiting**
 - Prohibits rowdy persons from entering**
 - Mitigates noise outside**
 - Keeps sidewalks clear**
 - Ensures persons leave quietly**
- **All staff alerted of problems**
- **Issues addressed immediately**
- **Unruly persons must leave**
- **No force used on patrons**
- **Police Department called if necessary**
- **No narcotics tolerated**
- **No loitering or standing in front of Hi-Lo Club**
- **No fighting**
- **Well light**
- **No smoking in front of neighboring business.**
- **Par city smoking ordinance "Smoking only 1) at the curb, or 2) if no curb, at least 15 ft. from exits, entrances, windows, and vents."**
- **We will discourage people from smoking**

Management Plan

- **Owner on site during operating hours**
- **Always available to neighbors**
- **Respect our neighbors**
- **Promptly address issues**
- **Keep a log book of issues**
- **No graffiti**
- **Litter removed continuously**
- **Garbage cans provided**
- **Premises constantly maintained**
- **Doors and windows closed during operating hours**
- **Deliveries between 2:00-4:00 P.M only**

Hi-Lo Coffee Cart

We would also like to introduce HI-LO coffee during the day hours to continue our presence on a daily bases. Coffee service hours will be 8:00 AM until 4:00 PM. Our plan is to have a coffee cart inside the bar area and we will serve coffee through a sliding window in the storefront to allow access to the coffee cart during operations hours. We have a 5' set back off the city right away for our customers to be on our property. We also have a 4' X 16' area for us to create an area for waiting so we will not obstruct the public right away on the sidewalk area.

- **Trash cans provided**
- **No smoking in front of neighboring businesses**
- **No litter**
- **No congestion of patrons on sidewalk**
- **Customers not to block neighboring businesses**
- **Line forms between a parking meter and lamp post**
- **Bar doors locked during coffee service**
- **Strong management on site**
- **No loitering**
- **Deliveries between 2:00-4:00 P.M only**
- **Par city smoking ordinance "Smoking only 1) at the curb, or 2) if no curb, at least 15 ft. from exits, entrances, windows, and vents."**
- **We will discourage people from smoking**

Noise Management Plan

- **No DJs, live entertainment, or televisions**
- **No loitering**
- **Entry/exit fitted with door closers**
- **Sound system fitted with sound limiter and controlled by owner**
- **No noise audible from establishment outside**
- **Sound mitigating materials installed during construction**
- **Doors and windows closed 4:00 PM-2:00 AM**
- **Deliveries between 2:00-4:00 P.M only**



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

Supervisor Avalos
Supervisor Mar
Supervisor Elsbernd

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

Date: July 29, 2011

Subject: P.C.N. Investigation Regarding: KoKo Cocktails
aka Hilo Club
1423 Polk Street
Ms. Lori Martens
415/670-0497

Ms. Lori Martens on behalf of City Beer Store has filed an application with the California Department of Alcoholic Beverage Control seeking a premises expansion -Type 48 (On-Sale Public Premises) license for 1423 Polk Street (located between California Street and Pine Street).

Hours of Operation:

Daily 4:00 p.m. – 1:30 a.m.

Digest:

This business is currently operating at 1060 Geary Street (between Van Ness Avenue and Polk Street). This existing premises is being displaced due to the development of a major medical center. If approved this license will allow the applicant to sell on-sale beer, wine, and distilled spirits at its new proposed location. The premises will be restricted to those 21 years of age and older. The premises will not have an off-sale privilege.

It should be noted that during the application process accusations were made that the proposed site applicant did not properly post or make the required 500' mailer to the neighborhood. This complaint was made to the ABC and the ABC has since accepted the posting as valid and provided a remedy for the mailer. For the purposes of this hearing the ABC seeks a determination from the Board of Supervisors as to the approval or denial of this license relocation. The Board's determination has no bearing on the alleged allegations which, if necessary, will ultimately be resolved before an ABC administrative law judge.

Letters of Protest:

50 +

Letters of Support:

100s +

Police Calls for Service:

From May 2010 to May 2011

34

Police Reports:

From July 2010 to July 2011

9

San Francisco Plot Information:

This premise is located in Plot **535**

587 Police Reports were recorded for this plot in *2010*

This plot is **372** Police Report(s) over the citywide average (plus 20%) of 215 Police Reports.

State Census Tract Information:

This premise is located in Census Tract **111**

Population for this tract is: **5559**

On-sale license authorized by census tract: **18**
Active on-sale licenses: **30** with **1** pending

Off-sale licenses authorized by census tract: 6
Active off-sale licenses: 9 with 0 pending

Departmental Recommendation:

Points of consideration:

No opposition from **Northern Station**

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

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

Yes - Record of protest.

Yes - Record of support.

ALU Recommendation: **Approval w/conditions**

1. Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 11:00 a.m.-1:30 a.m. daily.
2. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.
3. No person under the age of twenty-one (21) shall sell, furnish, or deliver alcoholic beverages.
4. 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".
5. Between the hours of 9:00 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.
6. There shall be surveillance cameras located at all exit and entrance points so that all patrons are visually recorded as they enter and exit the establishment. A digital recording shall be maintained by the establishment for no less than 15 days. The recording must be available to local law enforcement upon request.
7. 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.

8. 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.
9. No noise shall be audible beyond the area under the control of the licensee as defined on the ABC-257, dated _____.
10. At anytime the licensee(s) utilizes a third party promoter at this premises the licensee shall maintain control of the management, operation, and staffing of the business, and shall approve all marketing materials.
11. Petitioner shall not make structural changes in the premises interior without prior written approval from the Department.

end.

Call No	Report No	Received Date	Received Time	Priority	Call Type	Unit ID	Disposition	Location
112050260		7/24/11	01:29:26	C	917 3E12E		ADV	1423 POLK ST
112001664		7/19/11	13:21:24	C	915 3E		ADV	1423 POLK ST
111982187		7/17/11	16:27:24	C	919 3E13D		GOA	1423 POLK ST
111943216		7/13/11	20:04:53	C	915 3E14E		GOA	1423 POLK ST
111942633		7/13/11	17:20:02	C	915 3E14D		ADV	1423 POLK ST
111921109		7/11/11	11:04:45	C	915 3E13C		ADV	1423 POLK ST
111630624		6/12/11	06:53:38	B	915 3E5A		HAN	1423 POLK ST
111430993		5/23/11	10:03:31	C	919 3E43B		ADV	1423 POLK ST
111411594		5/21/11	12:16:04	C	915 3E13C		ADV	1423 POLK ST
111331483		5/13/11	13:15:49	C	915 3E13D		GOA	1423 POLK ST
111331132		5/13/11	11:30:18	C	919	3.00E+300	ADV	1423 POLK ST
110802710		3/21/11	18:05:14	C	917 3E4C		GOA	1423 POLK ST
110761228		3/17/11	10:49:52	B	915	3.00E+70	HAN	1423 POLK ST
110633025	110186695	3/4/11	20:08:02	B	519 3E14D		REP	1423 POLK ST
110591944		2/28/11	15:12:55	C	915 3E42B		ADV	1423 POLK ST
110571663		2/26/11	14:47:34	C	915 3E4C		ADV	1423 POLK ST
110472595		2/16/11	17:02:01	C	917 3E4D		ADV	1423 POLK ST
110472472		2/16/11	16:37:33	C	915 3E4D		UTL	1423 POLK ST
110452711		2/14/11	18:40:05	C	917 3E12C		CIT	1423 POLK ST
110411466		2/10/11	12:47:08	C	917	3.00E+76	HAN	1423 POLK ST
110311000		1/31/11	10:28:06	C	915 3E4A		ADV	1423 POLK ST
110301845		1/30/11	14:28:13	C	917 3E4A		ADV	1423 POLK ST
110281530		1/28/11	12:12:28	C	915 3E4A		HAN	1423 POLK ST

Call No	Report No	Received Date	Received Time	Priority	Call Type	Unit ID	Disposition	Location
110222141		1/22/11	16:56:16	C	915	3E4D	GOA	1423 POLK ST
110100115		1/10/11	01:00:05	C	917	3.00E+90	ADV	1423 POLK ST
103611989		12/27/10	15:46:45	C	917	3E14D	ADV	1423 POLK ST
103202734		11/16/10	17:35:55	A	240	3E14D	NOM	1423 POLK ST
103191733		11/15/10	12:50:34	B	915	3.00E+43	CANC	1423 POLK ST
103042857		10/31/10	17:28:37	C	915	3E14D	ADV	1423 POLK ST
102961106		10/23/10	10:14:03	C	915	3E4A	ADV	1423 POLK ST
102911726		10/18/10	13:32:26	C	915	3E4A	ADV	1423 POLK ST
102703288		9/27/10	19:42:36	B	915	3.00E+116	ADV	1423 POLK ST
102432833		8/31/10	17:10:44	B	916	3E4D	CAN	1423 POLK ST
102390664		8/27/10	07:25:29	B	915	3E11A	ADV	1423 POLK ST

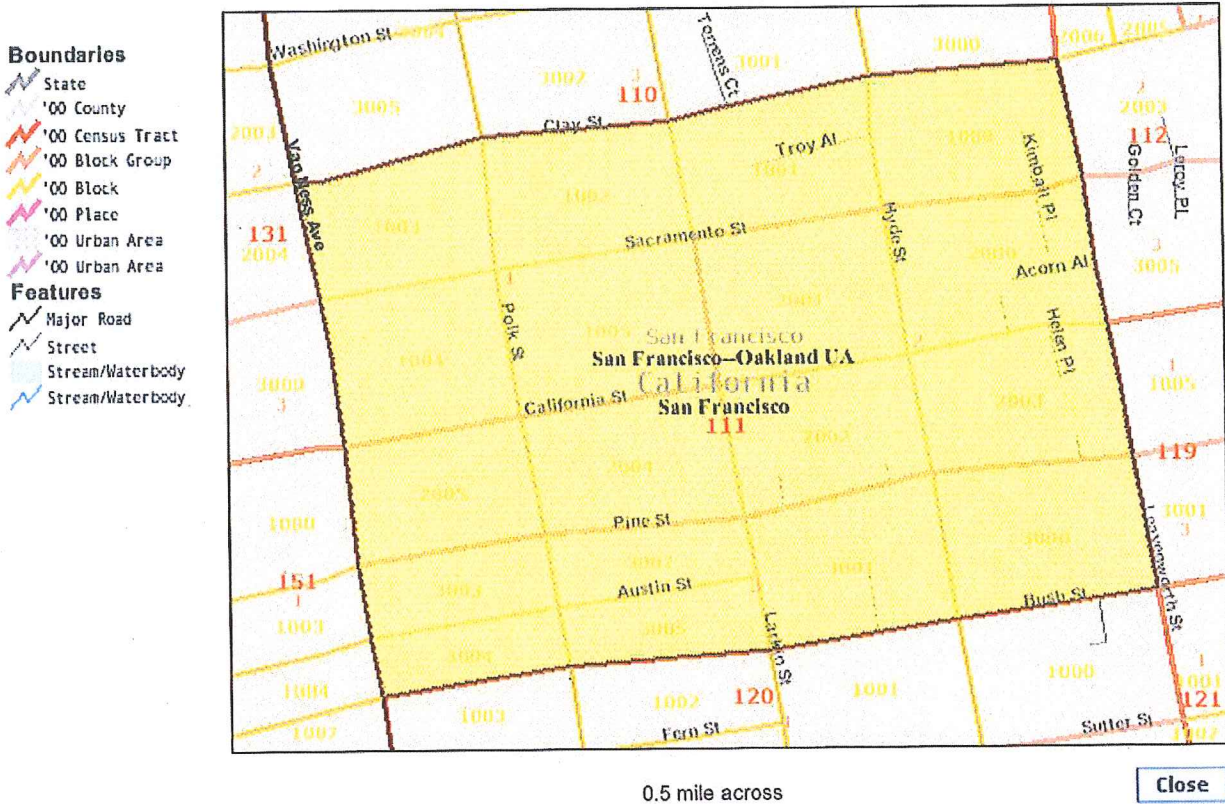
[export To](#)  **New!**

Records **1** through **10** of **12** Full Display

Call No	Report No	Received Date	Received Time	Priority	Call Type	Unit ID	Disposition	Location
110591944		02/28/2011	15:12:55	C	915	3E42B	ADV	1423 POLK ST
110571663		02/26/2011	14:47:34	C	915	3E4C	ADV	1423 POLK ST
110472595		02/16/2011	17:02:01	C	917	3E4D	ADV	1423 POLK ST
110472472		02/16/2011	16:37:33	C	915	3E4D	UTL	1423 POLK ST
110411466		02/10/2011	12:47:08	C	917	3E76	HAN	1423 POLK ST
110311000		01/31/2011	10:28:06	C	915	3E4A	ADV	1423 POLK ST
110301845		01/30/2011	14:28:13	C	917	3E4A	ADV	1423 POLK ST
110281530		01/28/2011	12:12:28	C	915	3E4A	HAN	1423 POLK ST
110222141		01/22/2011	16:56:16	C	915	3E4D	GOA	1423 POLK ST
103202734		11/16/2010	17:35:55	A	240	3E14D	NOM	1423 POLK ST

End of document

Census Tract 111, San Francisco County, California

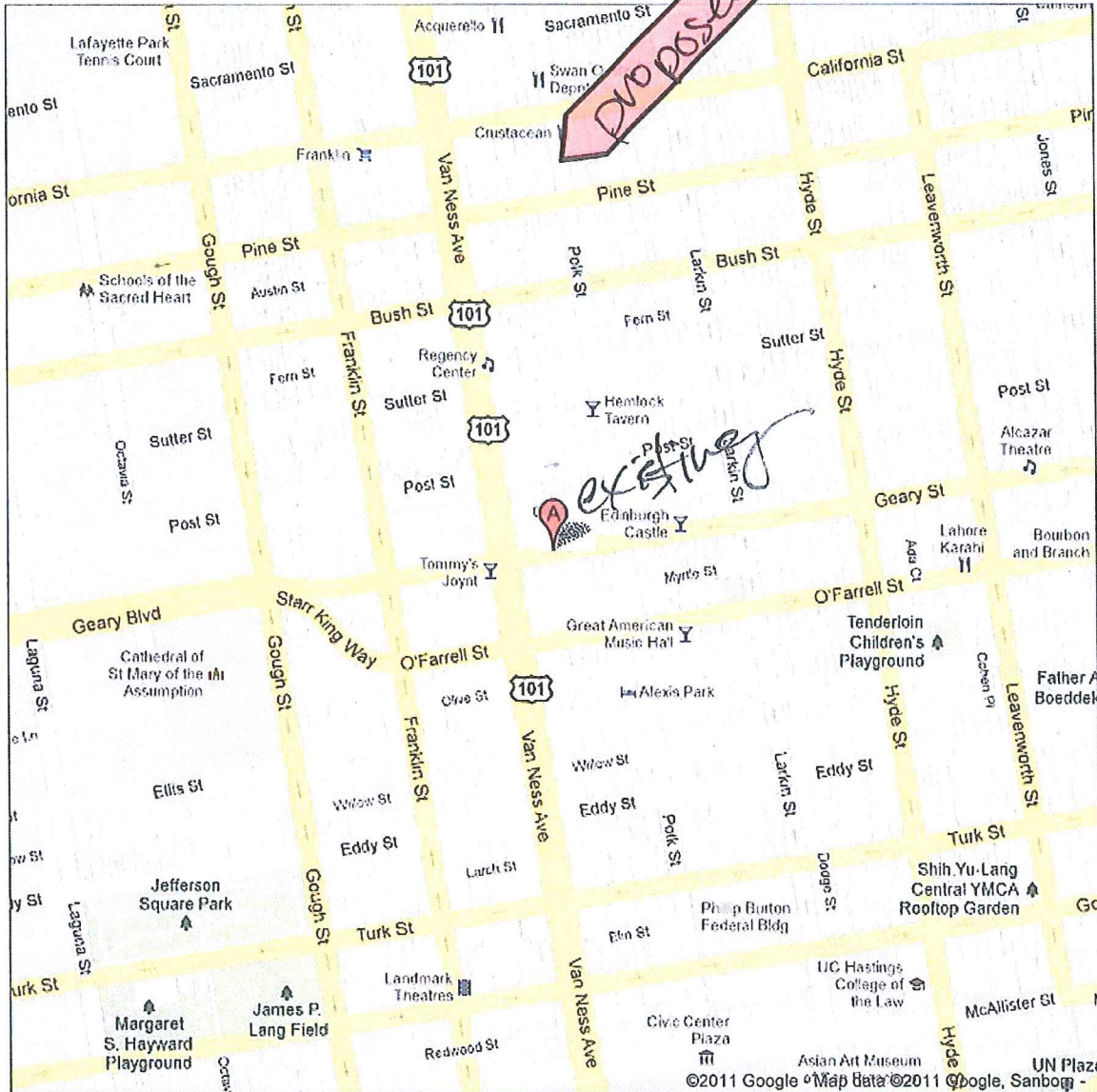


proposed location



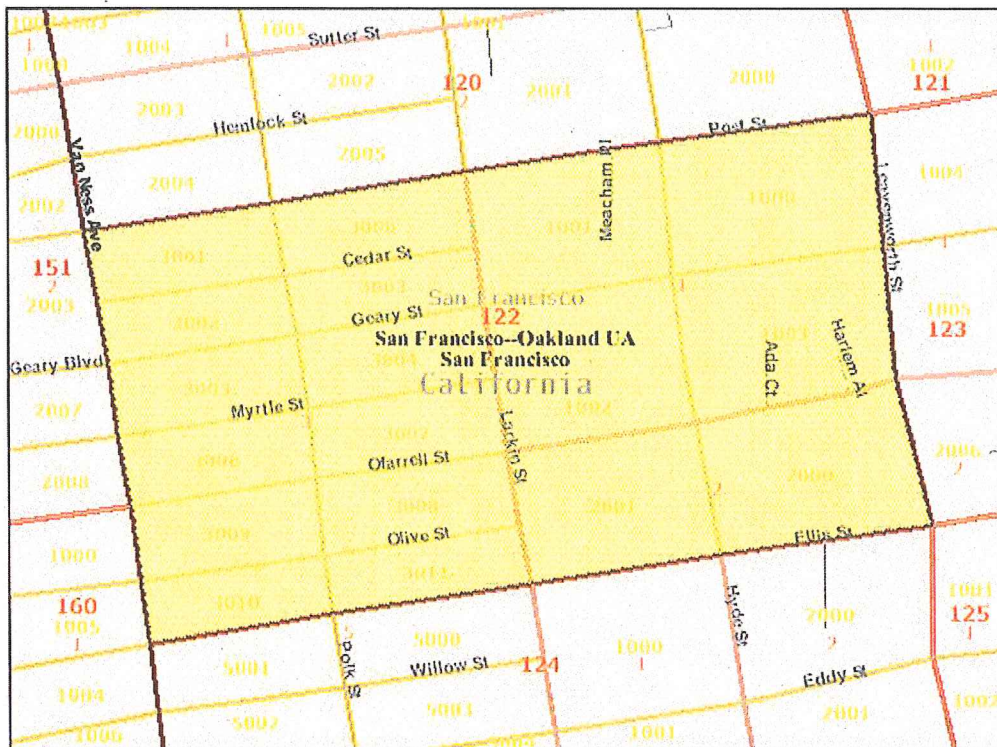
Address 1060 Geary St
San Francisco, CA 94109

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

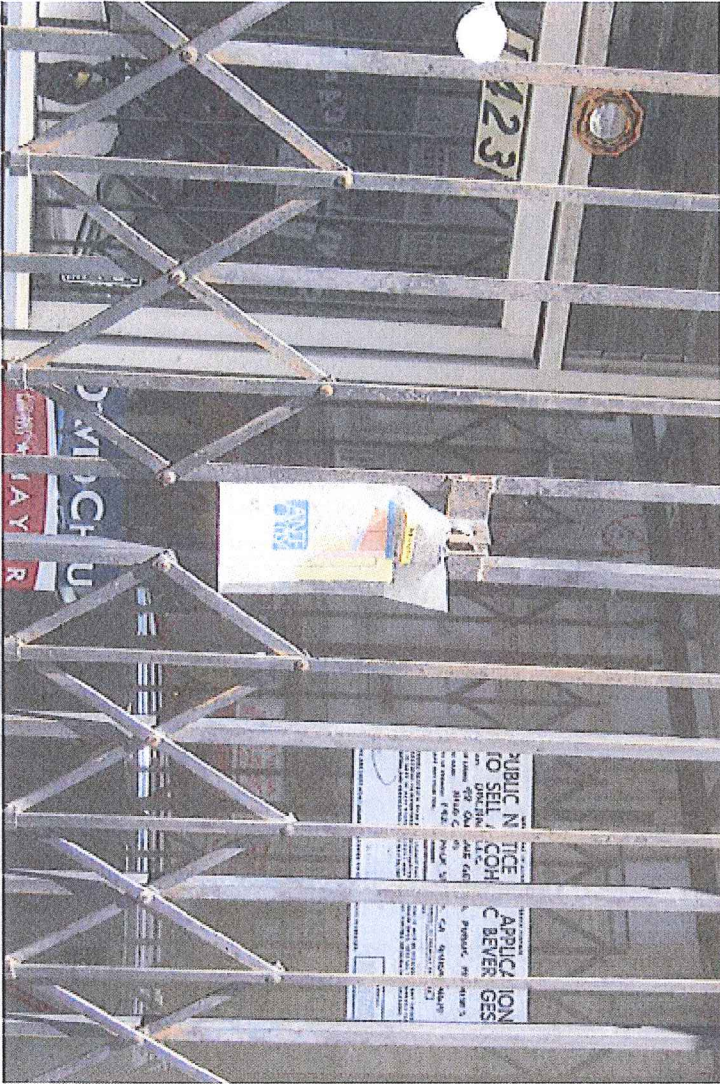


Census Tract 122, San Francisco County, California

- 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



existing location



DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

PUBLIC NOTICE OF APPLICATION TO SELL ALCOHOLIC BEVERAGES

APPLICANT DBLHAP LLC
 TYPE OF LICENSE 48 ON-SALE GENERAL PUBLIC PREMISES
 BUSINESS NAME HID CLUB
 ADDRESS OF PREMISES 1423 POLK ST., SF. CA 94109-4615
 APPLICANT HAS FILED FOR: CHANGE IN LICENSE PRIVILEGES (PREMISES TO PREMISES TRANSFER)

IF A VERIFIED PROTEST IS TO BE MADE AGAINST THIS APPLICATION, IT MUST BE RECEIVED BY ANY OFFICE OF THE DEPARTMENT OR DEPARTMENTAL HEADQUARTERS, 3927 LENNAE DRIVE, SUITE 100, SACRAMENTO 95834, WITHIN 30 DAYS OF DATE POSTED. PROTESTS MUST BE VERIFIED. FURTHER INFORMATION REGARDING THIS APPLICATION AND VERIFICATION FORMS MAY BE OBTAINED AT

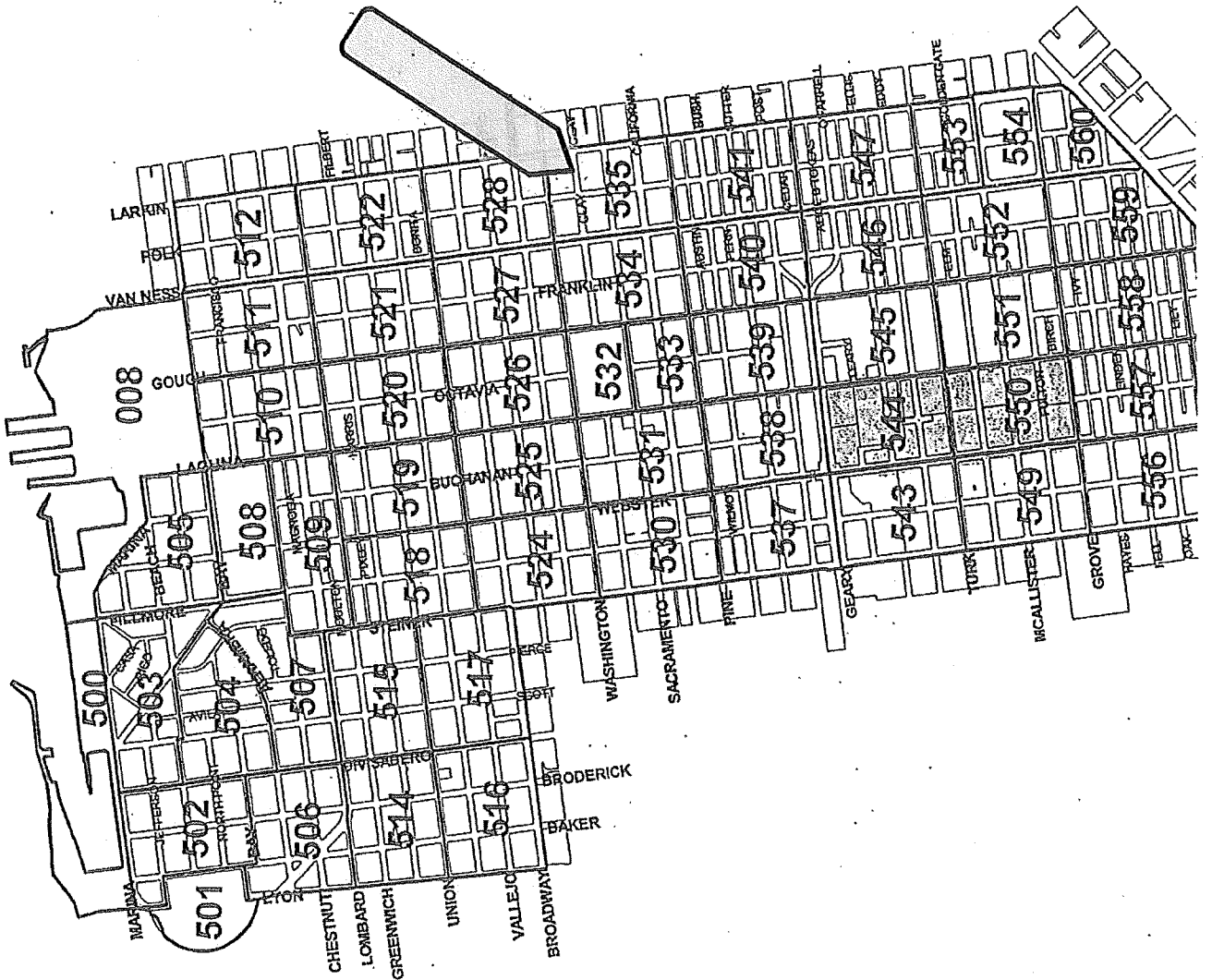
STATE OF CALIFORNIA
 DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
 3927 LENNAE DRIVE, SUITE 100
 SACRAMENTO, CALIFORNIA 95834
 TEL. 415-550-0000

WARNING

Every person who intentionally defaces, obliterates, tears down or destroys this notice prior to 30 days from the date it was posted is subject to fine or imprisonment in the County Jail (Section 616, Penal Code).

PREMISES ARE (NOT NOW) (ALREADY) LICENSED TO SELL ALCOHOLIC BEVERAGES.

NORTHERN DISTRICT Major Streets & Reporting Plots





Address 1481 Polk Street

Address is approximate

Save trees. Go green!

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



Protest

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

State of California

RK

- 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:

DLBHAP LLC - Hiro Club
(Name(s) of Applicant(s))

For premises at:

1423 Polk St. San Francisco, CA
(Exact address of proposed premises)

on the grounds that:

The Polk Street corridor is already saturated with bars. The bar ^{would} negatively impact this neighborhood. It is near a school, two churches and retirement complexes. This area already has a high-crime activity. Bars attract pimps, streetwalkers and other crimes. The residents who live within 100 feet of the proposed bar deserve peace and quiet.

Check here if additional sheets attached

I, Lily Subias, declare under penalty of perjury:
(PRINT Name of Protestor)

(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

SIGNED AT (City and state)

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

PROTESTANT'S TELEPHONE NUMBER (Optional)

DATE SIGNED

RECEIVED

APR 11 2011

Dept of Alcoholic Beverage Control
San Francisco

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

State of California
GRAY DAVIS, Governor
Business, Transportation and Housing Agency
MARIA CONTRERAS-SWEET, Secretary

Please print legibly or type.

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

DBLHAP LLC

(Name(s) of Applicant(s))

For premises at:

1423 Polk Street San Francisco, 94109-4615

(Exact address of proposed premises)

on the grounds that:

- 1) Premises are within 500 feet radius of numerous parking lots, churches and children's playground which would not benefit these facilities.
- 2) The premises are located in heavily residential area, and the normal operation of the licensed premises would interfere with the quiet and enjoyment of their property by the residents of the area.
- 3) Issuance for the license to the premises would add to an undue concentration of licenses.
- 4) Licensing the premises will aggravate an already existing police problem in a high-crime area.
- 5) Licensing the premises would create a public nuisance.
- 6) Hours of operation should not be after 12 midnight.
- 7) Bar would drawn of male and female prostitutes and related crime to the area.
- 8) Lack of neighborhood watch.
- 9) Within 500 feet radius of the applicant there are various recovery programs and community services for those addicted to alcohol.
- 10) Both the owner of the property and the applicant have request exceptions from the local zoning laws for these premises.

RECEIVED

APR 18 2011

Dept of Alcoholic Beverage Control
San Francisco

: Check here if additional sheets attached

I, John Nulty, declare under penalty of perjury:

PRINT (Name of Protestor)

(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

John Nulty

PROTESTANT'S TELEPHONE NUMBER (Optional)

SIGNED AT (City and state)

San Francisco, California

DATE SIGNED

4/18/2011

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

P.O. Box 421949, San Francisco, CA 94142-1949

Department of Alcoholic Beverage Control

State of California

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:

DLBMAP LLC - HILO Club

(Name(s) of Applicant(s))

For premises at:

1423 Polk Street, San Francisco CA

(Exact address of proposed premises)

on the grounds that:

This address has no history of being a bar but once it becomes one it is likely that it always will be because that address will now have a license. Our area is already over-saturated with bars. It is above the regulated allowable numbers.

We fear and have experienced that yet another bar will have a negative impact on our neighborhood. It is near a school, 2 churches, and retirement complexes. Any loud noise that comes from a club, especially after 10pm (SF City Ordinance) would most certainly disturb neighbors who live within 100 feet away. The noise continues to the street and sidewalk below, echoing into windows, disturbing the quiet enjoyment of nearby neighbors. This huge influx of bars we are experiencing has increased the number of streetwalkers, prostitutes and pimps in the area. This of course, is highly disturbing.

This area already has a high crime rate with 2 shootings on Polk Street just this last weekend. We need to keep this crime to a minimum so we and our families can feel safer.

RECEIVED
APR 11 2011

Thank you.

Dept. of Alcoholic Beverage Control
2001 CALIFORNIA

Check here if additional sheets attached

L. GEORGIA J. LEWIS
PRINT (Name of Protestor)

, declare under penalty of perjury:

(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

PROTESTANT'S TELEPHONE NUMBER (Optional)

415-441-7039

SIGNED AT (City and state)

San Francisco, CA

DATE SIGNED

April, 2011

PROTESTANT'S ADDRESS (Street number and name, city, state, zip 2099)

1424 Polk Street, Apt. 32 37 CA 94109

Department of Alcohol and Beverage Control
71 Stevenson Street Suite 1500
San Francisco, CA 94105

Re: Withdrawal of Protest regarding issuance of license at 1423 Polk Street
Pending file Number 48-509171

Dear ABC,

The purpose of this letter is to withdraw the letter of protest I filed against issuance of a type 48 licenses to the above-referenced location.

Thank you. Please call with any questions.

Signature SONG MEI ZHEN & RAN JUN WU 513

Name Ran Jun Wu & Mei Zhen Song

Address 1315 Polk St #1513 SF, Ca 94109

Telephone _____

RECEIVED

JUL 12 2011

Department of Alcohol and Beverage Control
71 Stevenson Street Suite 1500
San Francisco, CA 94105

Re: Withdrawal of Protest regarding issuance of license at 1423 Polk Street
Pending file Number 48-509171

Dear ABC,

The purpose of this letter is to withdraw the letter of protest I filed against issuance of a type 48 licenses to the above-referenced location.

Thank you. Please call with any questions.

Signature Huan Fu Luo 21/1

Name Huan Fu Luo

Address 51 1315 Polk St #2B SF, Ca 94109

Telephone _____

RECEIVED

JUL 12 2011

Dept of Alcohol Beverage Control
San Francisco

Department of Alcohol and Beverage Control
71 Stevenson Street Suite 1500
San Francisco, CA 94105

Re: Withdrawal of Protest regarding issuance of license at 1423 Polk Street
Pending file Number 48-509171

Dear ABC,
The purpose of this letter is to withdraw the letter of protest I filed against issuance of a
type 48 licenses to the above-referenced location.

Thank you. Please call with any questions.

Signature WEN SHENG NING 314

Name Wen Sheng Ning

Address 1315 POLK #131A SF, CA 94109

Telephone _____

RECEIVED

JUL 12 2011

Dept of Alcohol Beverage Control
San Francisco

Department of Alcohol and Beverage Control
71 Stevenson Street Suite 1500
San Francisco, CA 94105

Re: Withdrawal of Protest regarding issuance of license at 1423 Polk Street
Pending file Number 48-509171

Dear ABC,
The purpose of this letter is to withdraw the letter of protest I filed against issuance of a
type 48 licenses to the above-referenced location.

Thank you. Please call with any questions.

Signature Xiao Ting Ma 314

Name XIUETING Ma
~~XIAO TING MA~~

Address 1315 Polk St #314 SF, Ca 94109

Telephone _____

RECEIVED

JUL 12 2011

Dept of Alcohol Beverage Control
San Francisco

Department of Alcohol and Beverage Control
71 Stevenson Street Suite 1500
San Francisco, CA 94105

Re: Withdrawal of Protest regarding issuance of license at 1423 Polk Street
Pending file Number 48-509171

Dear ABC,

The purpose of this letter is to withdraw the letter of protest I filed against issuance of a type 48 licenses to the above-referenced location.

Thank you. Please call with any questions.

Signature Kit Yung Pang 317

Name Kit Yung Pang

Address 1315 Polk St # 317 SF, Ca 94109

Telephone _____

RECEIVED

JUL 12 2011

Dept of Alcohol Beverage Control
San Francisco

Department of Alcohol and Beverage Control
71 Stevenson Street Suite 1500
San Francisco, CA 94105

Re: Withdrawal of Protest regarding issuance of license at 1423 Polk Street
Pending file Number 48-509171

Dear ABC,

The purpose of this letter is to withdraw the letter of protest I filed against issuance of a type 48 licenses to the above-referenced location.

Thank you. Please call with any questions.

Signature

Jim Liu 3/0

Name

Jim Liu

Address

1315 Polk St #310 SF, Ca 94109

Telephone

RECEIVED

JUL 12 2011

Dept of Alcohol Beverage Control
San Francisco

Department of Alcohol and Beverage Control
71 Stevenson Street Suite 1500
San Francisco, CA 94105

Re: Withdrawal of Protest regarding issuance of license at 1423 Polk Street
Pending file Number 48-509171

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Thank you. Please call with any questions.

Signature Keung Pong 204

Name Keung Pong

Address 1315 Polk St # 204 SF, Ca 94109

Telephone _____

RECEIVED

JUL 12 2011

Department of Alcohol and Beverage Control
San Francisco, CA 94105

Department of Alcohol and Beverage Control
71 Stevenson Street Suite 1500
San Francisco, CA 94105

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Pending file Number 48-509171

Dear ABC,

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Thank you. Please call with any questions.

Signature Zhi Jian Huang 4.10.10

Name ZHI Jian Huang

Address 1315 Polk St #410 SF, Ca 94109

Telephone _____

RECEIVED

JUL 12 2010

Department of Alcohol and Beverage Control
71 Stevenson Street Suite 1500
San Francisco, CA 94105

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Thank you. Please call with any questions.

Signature SHUN XIU WU 206

Name Shun XIU WU

Address 1315 Polk St # 206 SF, Ca 94109

Telephone _____

RECEIVED

JUL 12 2011

Page Count 1

Department of Alcohol and Beverage Control
71 Stevenson Street Suite 1500
San Francisco, CA 94105

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Signature

SI KEN LAI WU

501

Name

SI Ken Lai Wu

Address

1315 Polk St #501 SF, Ca 94109

Telephone

RECEIVED

JUL 12 2011

Department of Alcohol and Beverage Control
71 Stevenson Street
San Francisco, CA 94105

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71 Stevenson Street Suite 1500
San Francisco, CA 94105

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Signature Yuk Chun Liang 216

Name Yuk Chun Liang

Address 1315 Polk St # 216 SF, Ca 94109

Telephone _____

RECEIVED

JUL 12 2011

Dept of Alcohol Beverage Control
San Francisco

Support

We need your support for our businesses re-location! Please sign this letter and we will deliver it to the ABC and keep your information private.

RE: Pending File Number 48-509171

Dear ABC,

I am eager to express my support for the owners of KoKo Cocktails, as they will need to re-locate to 1423 Polk Street.

I am a customer/neighbor of KoKo Cocktails and support their re-location within the neighborhood. They will be losing their lease due to the demolition of their current location for the pending California Pacific Medical Center project.

KoKo Cocktail owners Christopher Keith, Lori Martens, and Justin Mulford are responsible business owners who provide a safe and enjoyable venue for people to gather. I can attest to the fact that they deeply care about the neighborhood and are active members of the Lower Polk Neighbors.

I urge you to approve the premise-to-premise transfer they will need to continue doing business in the community.

Thank you for your consideration,

Sincerely,

Signature 

Name John Osralc

Address 39800 Fremont Blvd #316, Fremont CA 94538

E-Mail _____

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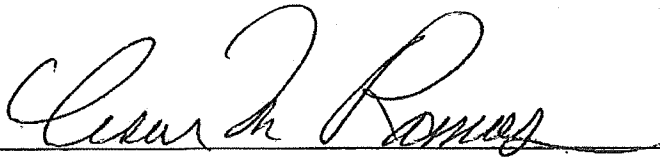
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Thank you for your consideration,

Sincerely,

Signature



Name

CESAR M. RAMOS

Address

1837 35TH AVE SAN FRANCISCO CA 94134

E-Mail

C.RAMOS@HOTMAIL.COM

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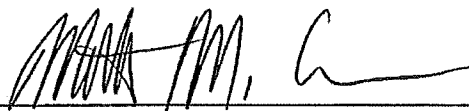
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Thank you for your consideration,

Sincerely,

Signature



Name

MATTHEW M CLINE

Address

785 San Jose Ave Apt B

E-Mail

mcline092375@yahoo.com

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Thank you for your consideration,

Sincerely,

Signature

Milga Buehlmann

Name

Milga Buehlmann

Address

12 Hemway Terrace SF CA 94117

E-Mail

milga_b@hotmail.com

We need your support for our businesses re-location! Please sign this letter and we will deliver it to the ABC and keep your information private.

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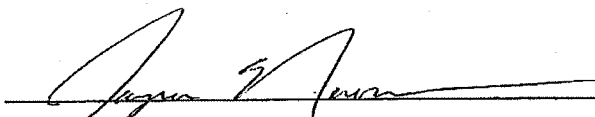
Sincerely,

Signature

Name

Address

E-Mail



Jayson Naona

1298 Haight St. #5, S.F. 94117.

staydetuned@gmail.com

LIQUOR LICENSE REVIEW

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

File: 110544

Block/Lot: 0606/003

Zoning: POLK

Quad: NE

MRS # 1101225

TO: Inspector Dave Falzon
Police Department
Fax No.: 553-1463

DATE: May 18, 2011

This item is scheduled to be heard at a meeting on July 11, 2011. **PLEASE E-MAIL YOUR RESPONSE BY:** July 7, 2011, to Gail Johnson, Clerk, City Operations and Neighborhood Services Committee.

Gail.Johnson@sfgov.org - Fax No: 554-7714

Applicant Name: Lori Martens
and Business Name: KoKo Cocktails (1423 Polk Street) ✓

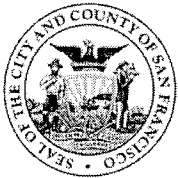
Applicant Address: 1060 Geary Street
and Phone No. (415) 670-0497

PLANNING COMMENTS: Approval Denial

*Permitted per Planning Commission Motion
18348 in case 2011.0097C*

*[Signature] 7/7/11
Rick Crawford*

POLICE COMMENTS: Approval Denial



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion 18348

HEARING DATE: MAY 5, 2011

Date: April 28, 2011
Case No.: 2011.0097C
Project Address: 1423 Polk Street
Zoning: Polk Street Neighborhood Commercial District
 80-A Height and Bulk District
Block/Lot: 0646/003
Project Sponsor: Linda Beattie
 B&B Contractors Services LLC
 903 Serena Drive
 Pacifica, CA 94044
Staff Contact: Kevin Guy – (415) 558-6163
kevin.guy@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 723.26, AND 723.41 OF THE PLANNING CODE TO ALLOW A BAR (D.B.A. HI-LO CLUB) AND A WALK-UP FACILITY (COFFEE SERVICE WINDOW) THAT IS RECESSED LESS THAN THREE FEET FROM THE FRONT PROPERTY LINE, WITHIN THE POLK STREET NEIGHBORHOOD COMMERCIAL) DISTRICT AND THE 80-A HEIGHT AND BULK DISTRICT.

PREAMBLE

On February 2, 2011, Linda Beattie, acting on behalf of DblHap LLC (“Project Sponsor”) filed an application with the Planning Department (“Department”) for Conditional Use Authorization under Planning Code Sections (“Section”) 303, 723.26, and 723.41 to allow a bar (d.b.a. HI-LO Club) and a Walk-Up Facility (coffee service window) at 1423 Polk Street, within the Polk Street Neighborhood Commercial District, and the 80-A Height and Bulk District. The request involves the relocation of an existing bar (d.b.a. Koko Cocktails) from its present location at 1060 Geary Street.

On May 5, 2011, the San Francisco Planning Commission (“Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.0097C.

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2011.0097C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the west side of Polk Street, between Pine and California Street, Block 0646, Lot 003 ("Project Site"). The subject property is located within the Polk Street Neighborhood Commercial District ("NCD") and the 80-A Height and Bulk District. The property is developed with a one-story commercial building, with tenants including two restaurants, a book store, and a salon/spa. The tenant space at 1423 Polk Street is currently vacant, but was previously occupied by a coffee shop known as "Java Chez Moi."
3. **Surrounding Properties and Neighborhood.** The area surrounding the Project Site is mixed-use in character. A variety of commercial establishments are located within ground floor storefronts in the Polk Street NCD, including restaurants, bars, apparel stores, convenience stores, and other types of retailers. Buildings in the vicinity typically range from one to five stories in height. Upper floors of buildings are generally occupied by offices or residential units. Larger scale retail uses, tourist hotels, and residential uses are situated along the Van Ness Corridor, outside of the Polk Street NCD to the west.
4. **Project Description.** The Project Sponsor proposes to relocate an existing bar known as "Koko Cocktails" from its present location at 1060 Geary to the Project Site. The bar would be renamed the "HI-LO Club". The bar is being displaced from its current location due to the expansion of the California Pacific Medical Center ("CPMC"). Between the hours of 8:00AM to 4:00PM, the business would sell coffee from a walk-up window. No patrons would be permitted to enter the interior of the bar and no alcohol would be sold during the hours for coffee service. Sales of coffee would end at 4:00PM, and the bar would be open between the hours of 4:00PM to 2:00AM. The project also includes interior tenant improvements and minor alterations to the existing storefront. The existing tenant space measures approximately 1,400 square feet, and the size would not change as part of the project.

5. **Public Comment.** To date, the Department has received four communications in opposition to the proposal. These individuals expressed concerns regarding the concentration of bars on Polk Street, crime, and noise. The Department has also received numerous communications in favor of the project, including 14 letters from business owners and neighborhood organizations, which praise the responsible management of the existing Koko Cocktails, as well as the community involvement of the business owners. In addition, the Department received petitions in support of the project with over 500 signatures.

The Office of Economic and Workforce Development has submitted a letter in support of the project, and the Police Department has verbally indicated that they support the project.

6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Use.** Section 723.41 states that Conditional Use Authorization is required for a Bar, as defined by Planning Code Section 790.22, within the Polk Street NCD. Section 723.26 states that Conditional Use Authorization is also required for a Walk-Up Facility that is not recessed a minimum of three feet from the front property line.

The Project Sponsor is requesting Conditional Use Authorization for the Bar use. In addition, the Project Sponsor proposes to sell coffee from a service window between the hours of 8:00AM to 4:00PM. Coffee sales are categorized as "Other Retail Sales and Services" which are principally permitted within the Polk Street NCD. The service window would be located on an angled section of the storefront, and portions of the window would be located less than three feet from the front property line. The Project Sponsor is therefore requesting Conditional Use Authorization for the coffee service window, categorized as a Walk-Up Facility per Section 723.26.

- B. **Hours of Operation.** Planning Code Section 723.27 states that a Conditional Use Authorization is required for maintaining hours of operation from 2:00AM to 6:00AM, as defined by Planning Code Section 790.48.

The Project Sponsor proposes to sell coffee from a service window between the hours of 8:00AM to 4:00PM, and to operate the bar between the hours of 4:00PM to 2:00AM. Therefore, all aspects of the business would operate during hours which are principally permitted within the Polk Street NCD.

- C. **Other Entertainment.** Planning Code Section 723.48 states that a Conditional Use Authorization is required for Other Entertainment, as defined by Planning Code Section 790.38.

The business would not include any live music, DJ's, or other activities defined as Other Entertainment by Section 790.38.

- D. **Parking.** Planning Section 151 of the Planning Code requires off-street parking for every 200 square-feet of occupied floor area, where the occupied floor area exceeds 5,000 square-feet.

The existing tenant space measures approximately 1,400 square feet, therefore the Project does not require any off-street parking.

- E. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that NC Districts containing specific uses have at least ½ the total width of the new or altered structure at the commercial street frontage devoted to entrances to commercially used space, windows or display space at the pedestrian eye-level. Such windows shall use clear, un-tinted glass, except for decorative or architectural accent. Any decorative railings or decorated grille work, other than wire mesh, which is placed in front or behind such windows, shall be at least 75 percent open to perpendicular view and no more than six feet in height above grade.

The project includes minor modifications of the existing storefront to accommodate the new coffee service window. Nearly the entire width of the proposed storefront at eye level will consist of clear glazing.

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The Project is desirable because it will allow for the relocation and continued operation of an established business within the Polk Street corridor. The Project will not result in a net increase of bars in the area, and will therefore not contribute to an overconcentration of such uses.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The size and shape of the site and the size, shape, and arrangement of the building are adequate for the Project. The Project would not physically expand the existing building.

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The Planning Code does not require parking or loading for a 1,400 square-foot bar. The proposed use is designed to meet the needs of the immediate neighborhood and should not generate

significant amounts of vehicular trips from the immediate neighborhood or citywide. The area is well-served by transit, and should not generate a substantial demand for parking.

- iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

The proposed use is subject to the standard conditions of approval for bars as outlined in Exhibit A. Conditions 10 and 16 specifically obligates the project sponsor to mitigate noise generated by the bar use.

- iv. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

The Project Site is completely built-out at the commercial ground level, therefore, no landscaping will need to be provided. The Department shall review all lighting and signs proposed for the new business in accordance with Conditions 7 and 8 of Exhibit A.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

The Polk Street NCD functions as a neighborhood-serving marketplace, providing convenience and specialty goods and services to residents in the Polk Gulch, Nob Hill, Russian Hill, and Pacific Heights areas. The NCD is further described in Section 723.1, which states that commercial uses are generally located on the ground floor of buildings. The regulations of Section 723 are intended to, "...limit new eating, drinking, and other entertainment...uses, which can produce parking congestion, noise, and other nuisances or displace other types of local-serving convenience goods and services." The Project would relocate an existing business, and would not result in a net increase in the number of bars in the area. The bar is being displaced from its current location at 1060 Geary Street due to the expansion of CPMC (the current owner of that property). The relocated bar would occupy a storefront that is currently vacant, and will activate the streetscape during daytime and nighttime hours through the combined business model of coffee service and bar operation. The Project will not displace opportunities for local-serving convenience goods and services.

- 8. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1:

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

Policy 1.2:

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

Policy 1.3:

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

In order for a neighborhood commercial district to remain viable and serve the needs of the surrounding neighborhood, it must exhibit a healthy balance of different types of commercial uses. This policy includes guidelines that discourage the overconcentration of eating and drinking establishments within neighborhood commercial districts. The Project would relocate an existing bar from a nearby location to occupy a storefront that is currently vacant. Therefore, the Project would not result in a net increase of bars in the area. The existing tenant space at 1423 Polk Street is currently vacant, therefore, the project will not displace retail uses that provide for neighborhood-serving convenience goods and services.

OBJECTIVE 2:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

The Project is desirable because it will allow the continued operation of an existing small business that is locally-owned. The relocated business will occupy an existing storefront that is currently vacant, contributing to the vitality of the District. The Project would not result in a net increase in the number of bars in the area.

OBJECTIVE 6:

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1:

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

No commercial tenant would be displaced and the project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.

The following guidelines, in addition to others in this objective for neighborhood commercial districts, should be employed in the development of overall district zoning controls as well as in the review of individual permit applications, which require case-by-case review and City Planning Commission approval. Pertinent guidelines may be applied as conditions of approval of individual permit applications. In general, uses should be encouraged which meet the guidelines; conversely, uses should be discouraged which do not.

Eating and Drinking Establishments

Eating and drinking establishments include bars, sit-down restaurants, fast food restaurants, self-service restaurants, and take-out food. Associated uses, which can serve similar functions and create similar land use impacts, include ice cream stores, bakeries and cookie stores. Guidelines for eating and drinking establishments are needed to achieve the following purposes:

- Regulate the distribution and proliferation of eating and drinking establishments, especially in districts experiencing increased commercial activity;
- Control nuisances associated with their proliferation;
- Preserve storefronts for other types of local-serving businesses; and
- Maintain a balanced mix of commercial goods and services.
- The regulation of eating and drinking establishments should consider the following:
 - Balance of retail sales and services;
 - Current inventory and composition of eating and drinking establishments;
 - Total occupied commercial linear frontage, relative to the total district frontage;
 - Uses on surrounding properties;
 - Available parking facilities, both existing and proposed;
 - Existing traffic and parking congestion; and
 - Potential impacts on the surrounding community.

There is a concern with the potential over-concentration of eating and drinking establishments. The Commerce and Industry Element of the General Plan contains Guidelines for Specific Uses. For eating and drinking establishments, the Guidelines state, "the balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20% of the total occupied commercial frontage." The proposed project involves the relocation of an existing bar to the subject property from its present location (1060 Geary Street) approximately four blocks to the south. Therefore, the Project would not result in a net increase in the number of bars in the area. It should be noted that there are currently no bars on the subject block of Polk Street, between Pine and California Streets.

The bar is being displaced from its current location at 1060 Geary Street due to the expansion of CPMC (the current owner of that property). CPMC has agreed to record a restriction on the property at 1060 Geary Street that precludes the possibility of a bar use being reestablished at that location. This restriction

will ensure that granting this Conditional Use authorization will not result in a net increase in the number of bars in the area.

Policy 6.2:

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to the economic and technological innovation in the marketplace and society.

An independent entrepreneur is sponsoring the proposal. The proposed use is a neighborhood serving use. This is not a Formula Retail use.

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The Project would allow the continued operation of a locally-owned business. The bar will occupy a storefront that is currently vacant, and will not displace a retail tenant that provides convenience goods and services to the surrounding neighborhood.

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The Project would relocate an established bar that is being displaced by the expansion of the California Pacific Medical Center. The business will occupy a storefront that is currently vacant, and will enhance the commercial vitality of the Polk Street NCD. The storefront is located within a single-story commercial building that contains no dwelling units above. Coffee will served from a storefront service window from the hours of 8:00AM to 4:00PM, activating the streetscape during daytime hours. No Other Entertainment uses (such as live music performances) are proposed or would be authorized by this approval. Therefore, the project will protect the existing neighborhood character.

- C. That the City's supply of affordable housing be preserved and enhanced,

No housing is removed for this Project.

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The Project would not adversely impact public transit or place a burden on the existing supply of parking in the neighborhood. The area is well-served by public transportation.

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

There is no commercial office development associated with the Project. No industrial or service sector uses would be displaced. The Project will enable the continued operation of an existing, locally-owned business.

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

Although there would be some interior tenant improvements to the subject commercial space, the Project does not involve any construction activities that would compromise the structural integrity of the existing building. This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

The Project proposes only minor alterations to the existing exterior storefront. The alterations would not negatively impact any historic features of the building.

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

The project will have no negative impact on existing parks and open spaces. The Project does not have an impact on open spaces.

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2011.0097C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated May 5, 2011, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 18348. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on May 5, 2011.

Linda D. Avery
Commission Secretary

AYES: Olague, Antonini, Borden, Fong, Miguel, Moore, Sugaya

NAYS:

ABSENT:

ADOPTED: May 5, 2011

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a bar (d.b.a. HI-LO Club), and a Walk-Up Facility (coffee service window) located at 1423 Polk Street, Block 0646, Lot 003, pursuant to Planning Code Section(s) 303, 723.26, and 723.41 within the Polk Street Neighborhood Commercial District and the 80-A Height and Bulk District; in general conformance with plans, dated May 5, 2011, and stamped "EXHIBIT B" included in the docket for Case No. 2011.0097C and subject to conditions of approval reviewed and approved by the Commission on May 5, 2011 under Motion No 18348. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on May 5, 2011 under Motion No 18348.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18348 shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

Performance

Conditions of approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

3. **Restriction of Previous Location.** The Project Sponsor shall coordinate with the owners of the property at 1060 Geary Street (former location of Koko Cocktails) to record a Notice in the Official Records of the Recorder of the City and County of San Francisco for the property at 1060 Geary Street. This Notice shall state that the a bar use, as defined by Planning Code Section 790.22, shall not be permitted to operate on the property at 1060 Geary Street.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Provisions

DESIGN – COMPLIANCE AT PLAN STAGE

4. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
5. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
6. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
7. **Overhead Wiring.** The Property owner will allow MUNI to install eyebolts in the building adjacent to its electric streetcar line to support its overhead wire system if requested by MUNI or MTA.
For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415-701-4500, www.sfmta.org
8. **Noise.** Plans submitted with the building permit application for the approved project shall incorporate acoustical insulation and other sound proofing measures to control noise.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

Monitoring

MONITORING - AFTER ENTITLEMENT

9. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

10. **Monitoring.** The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

11. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Operation

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12. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>

13. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>

14. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org

For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, www.sfdbi.org

For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-1012 or 415-5530123, www.sf-police.org

15. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

16. **Notices Posted at Bars and Entertainment Venues.** Notices urging patrons to leave the establishment and neighborhood in a quiet, peaceful, and orderly fashion and to not

Operation

litter or block driveways in the neighborhood, shall be well-lit and prominently displayed at all entrances to and exits from the establishment.

For information about compliance, contact the Entertainment Commission, at 415 554-6678, www.sfgov.org/entertainment

17. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

18. **Hours of Operation.** The coffee service window is limited to operating hours from 6:00AM to 4:00PM. During this time, the interior of the bar premises shall not be accessible to patrons, and no alcohol will be sold. The bar is limited to operating hours from 4:00PM to 2:00AM.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org



Re: Liquor License Application/City Oper-Neighbor Serv Cmt.[Redacted]
CommunityLeadershipAlliance

to:
john.avalos, eric.l.mar, sean.elsbernd
07/29/2011 02:32 PM

Cc:
gail.johnson, ross.mirkarimi, malia.cohen, mark.farrell, scott.wiener, jane.kim, david.campos,
carmen.chu
Show Details

1 Attachment



ABC1423PolkProtestForm.pdf

Re: **DBLHAP LLC-"HILO CLUB" 1423 Polk Street, SF, 94109**

Attn: BOS City Operations-Neighborhood Services Committee-

The Polk corridor through the concerted efforts of business owners, residents/community leaders, and MOED have made great strides in the revitalization of said corridor. However our efforts are being undermined, our peace-safety compromised by the over saturation of bars and clubs. The city's own zoning laws are being defied when the number of permissible liquor licenses for this area are being blatantly exceeded.

We urge you to please deny this application for liquor license. It's simply the right thing to do.

Please find attached to this e-mail our organization's formal ABC protest/opposition to an application (On-Sale Liquor Establishment); and of which we willingly signed-mailed on 7/21/2011.And for an application for on-sale liquor license by:**DBLHAP LLC-"HILO CLUB" 1423 Polk Street, SF, 94109**

This application is to be heard by the BOS City Operations-Neighborhood Services Committee we believe on: **Tuesday, August 2nd 2011**

If you require any further information please phone: 415-559-6627

Respectfully
David James-Villa-Lobos, Executive Director
Clare Feng-Villa-Lobos, Assistant Executive Director
www.communityleadershipalliance.net

PLEASE CONTRIBUTE TO COMMUNITY LEADERSHIP ALLIANCE

Mail Your Contributions To: Community Leadership Alliance P.O. Box 642201, SF,CA.94164

Or Our On-Line Contribution Link Below:

CONTRIBUTION PAGE:

<http://pleaseContribute.com/1497>
Thank you so very much for your support

PROTEST AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION

956-6500

*Send to:
Alcoholic Beverage Control
71 Stevenson St, Suite 1500
San Francisco 94105*

- 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:

DBLHAP LLC - HILO Club

(Name(s) of Applicant(s))

For premises at:

1423 Polk Street, San Francisco, CA 94109

(Exact address of proposed premises)

on the grounds that:

Polk Street is the neighborhood retail district for a large population of Nob Hill residents and neighbors. The influx of bars, clubs, and liquor stores has caused the conditions on Polk Street to deteriorate. The Polk/Pine St. area is already a gathering place for pimps with noisy altercations and a threatening presence on the street, especially after midnight. Prostitutes pervade Van Ness and Lower Nob Hill from the concentration of bars on Polk Street to Larkin, Post, Hyde, California and Clay side streets.

This address has no history of being a bar, but once it becomes one it is likely that it always will be because that address will now have a liquor license. Our area is already over-saturated with bars. It is above the regulated allowable numbers. We fear and have experienced that yet another bar will have a negative impact on our neighborhood. It is near a school, 2 churches and retirement complexes. Any loud noise that comes from a club, especially after 10pm (SF City Ordinance for quiet time) continues to the street and sidewalk below, echoing into windows, would most certainly disturb the quiet enjoyment of nearby neighbors. This huge influx of bars we are experiencing has increased the number of streetwalkers, prostitutes and pimps in the area. This of course is highly disturbing.

This area already has a high crime rate with 2 shootings on Polk Street, 1 block from this address in April. We need to keep this crime to a minimum so we and our families can feel safer.

Thank you.

Check here if additional sheets attached

I, _____, 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	PROTESTANT'S TELEPHONE NUMBER (Optional)
SIGNED AT (City and state)	DATE SIGNED
PROTESTANT'S ADDRESS (Street number and name, city, state, zip code)	