

File No. 160041 Committee Item No. 1
 Board Item No. 16

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Public Safety and Neighborhood Services Date March 8, 2017

Board of Supervisors Meeting Date MARCH 14, 2017

Cmte Board

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

OTHER (Use back side if additional space is needed)

- | | | |
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>LL Referral 01/19/16</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Response Planning 02/10/16</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Response Planning 01/31/17</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Response Police 03/01/17</u> |
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Completed by: Erica Major Date March 3, 2017
 Completed by: JMM Date 3/8/17

1 [Liquor License - 456 Larkin Street as an Extension of 460 Larkin Street]

2
3 **Resolution determining that the issuance of a Type 48 on-sale general public**
4 **premises license to Donegal All Blacks, LLC, dba Harry Harrington's Pub, located**
5 **at 456 Larkin Street, as an extension of an existing business at located at 460**
6 **Larkin Street (District 6), will serve the public convenience or necessity of City**
7 **and County of San Francisco in accordance with California Business and**
8 **Professions Code, Section 23958.4, and recommending that the California**
9 **Department of Alcoholic Beverage Control impose conditions on the issuance of**
10 **the license.**

11
12 WHEREAS, Donegal All Blacks, LLC, is seeking the issuance of a Type 48 on-
13 sale general public premises license, dba Harry Harrington's Pub, located at 456 Larkin
14 Street, as an extension of an existing business located at 460 Larkin Street (District 6);
15 and

16 WHEREAS, The Planning Department has verified that the area is properly
17 zoned and recommends approval; and

18 WHEREAS, The Police Department has filed zero (0) protests with the
19 Department of Alcoholic Beverage Control under California Business and Professions
20 Code, Section 24013, and recommends that the Department of Alcoholic Beverage
21 Control issue the liquor license with conditions; and

22 WHEREAS, The conditions recommended by the Police Department are the
23 following: 1) No noise shall be audible beyond the area under the control of the
24 licensee(s) as depicted on ABC-257 dated 10/21/2016; and 2) the sales of alcoholic
25 beverages for off-sale consumption is strictly prohibited; now, therefore, be it

1 RESOLVED, That in accordance with California Business and Professions Code,
2 Section 23958.4, the Board of Supervisors of the City and County of San Francisco
3 hereby determines that the issuance of a Type 48 on-sale general public premises
4 license to Donegal All Blacks, LLC, dba Harry Harrington's Pub, located at 456 Larkin
5 Street, as an extension of an existing business located at located 460 Larkin Street
6 (District 6), will serve the public convenience or necessity of the City and County of San
7 Francisco; and, be it

8 FURTHER RESOLVED, That the Board of Supervisors of the City and County of
9 San Francisco hereby endorses and adopts the recommendations of the Police
10 Department listed above and recommends that the Department of Alcoholic Beverage
11 Control issue the license with those conditions.



San Francisco Police Department
ABC Liaison Unit

REVISED VERSION
FILE 160041
RECEIVED 3/7/17



Alcoholic Beverage License -
*Public Convenience or
Necessity Recommendation*

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

Supervisor Hillary Ronen
Supervisor Jeff Sheehy
Supervisor Sandra Lee Fewer

From: Lieutenant Dave Falzon
Officer in Charge
ABC Liaison Unit (ALU) 415-837-7576

Date: March 1, 2017

Subject: P.C.N. Investigation Regarding: Donegal All Blacks, LLC
DBA: Harry Harrington's Pub
460 Larkin Street
San Francisco, CA. 94102-3607
Peter C. Friel
(415) 775-1150

Mr. Peter Friel on behalf of Harry Harringtons Pub has filed an application with the California Department of Alcoholic Beverage Control seeking an expansion of the -Type 48 (On - Sale General - Public Premise) License at 460 Larkin St (located between Turk Street and Golden Gate Street).

Hours of Operation:
Sunday ~ Wednesday: 10:00 am -12:00 am
Thursday-Saturday: 10:00am - 2:00 am

Digest:

Harry Harringtons Pub has been located at 460 Larkin Street for the last 93 years. Mr. Friel is the Pub's third owner. Harry Harringtons Pub currently operates under a Type

48 license- On-Sale General-Public Premise. The Harry Harringtons Pub is looking to expand the business to include the space next door, which is 456 Larkin Street. This will give them the opportunity to have a full-service restaurant. If approved, this license will allow Harry Harringtons Pub to sell on-sale Beer, Wine and Distilled Spirits.

Letters of Protest:

No Record

Letters of Support:

No Record

Police Calls for Service:

From November 2014 to November 2015

5 call for service

Police Reports:

From November 2014 to November 2015

0 police report

San Francisco Plot Information:

This premise is located in Plot: **553**

A High Crime area is defined as **106** or more police reports in a plot for the year of **2015**.

This plot had **157** police reports for **2015**, which is **51** over the **Citywide "High Crime"** average.

State Census Tract Information:

This premise is located in Census Tract: **124.01**
Population for this tract is: **5,075**

On-sale license authorized by census tract: **18**
Active on-sale licenses: **16** with **0** pending

Off-sale licenses authorized by census tract: 4
Active off-sale licenses: 7 with 0 pending

Departmental Recommendation:

Points of consideration: 1

No opposition from Tenderloin

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

Applicant premise is located in a "Low concentration" area.

0 - Record of protest.

0 - Record of support.

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

1. No noise shall be audible beyond the area under the control of the licensee(s) as depicted on ABC-257 dated 10/21/16.
2. The sales of alcoholic beverages for off- sale consumption is strictly prohibited

❖ **It should be noted that the Applicant agrees with all the above conditions.**

End

AP

C

LIQUOR LICENSE REVIEW

DCP
FEE

TO: Planning Department
AnMarie Rodgers/CTYPLN/SFGOV
Georgia Powell/CTYPLN/SFGOV@SFGOV
Fax No.: (415) 558-6409

File: 160041

TO: Police Department
Inspector Nelly Gordon
Phone: (415) 837-7273

Block/lot: 0346/010
Zoning: RC-4
Quad: NE
Record # 2016-000777

DATE: January 19, 2016

This item is tentatively scheduled to be heard in four to six weeks.
PLEASE EMAIL YOUR RESPONSE BY: February 17, 2016, to Erica Major,
Public Safety and Neighborhood Services Committee Clerk.

MWS

Erica.Major@sfgov.org - Fax No: (415) 554-5163

Applicant Name: Peter C. Friel
and Business Name: Harry Harrington's Pub
(456 Larkin Street)
Applicant Address: 460 Larkin Street
San Francisco, CA 94102
and Phone No. (415) 775-1150

PLANNING COMMENTS: Approval Denial

Type 48 ABC License is permitted in conjunction with a Bar use, permitted in the RC-4 District per P.C. Sec. 209.3 and subject to the "Good Neighbor" policies of P.C. Sec. 249.5(d)(6). Change of use issued under BPA # 2017.01.25.7863 + 2017.01.26.8038, for expansion of existing bar into adjacent, vacant former retail space.

POLICE COMMENTS: Approval Denial

Andrew Perry
Andrew Perry 1/30/17

160041

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

STATUS: DENIAL / HOLD
WITH CONDITIONS

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

Planning Department, City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-575-9017
Email: andrew.perry@sfgov.org
Web: <http://www.sf-planning.org>

160041

BEFORE THE
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
OF THE STATE OF CALIFORNIA

OF THE APPLICATION OF

ALL BLACKS LLC
ARRINGTONS PUB
KIN ST
SAN FRANCISCO, CA 94102-3607

} FILE 48-564423
}
} REG.
}
}
}
}

PETITION FOR CONDITIONAL
LICENSE

For Issuance of an On-Sale General Public Premises -
License

Under the Alcoholic Beverage Control Act

WHEREAS, petitioner(s) has/have filed an application for the issuance of the above-referred-to license(s) for the above-mentioned premises; and,

WHEREAS, the proposed premises and/or parking lot, operated in conjunction therewith, are located within 100 feet of residences(s); and,

WHEREAS, issuance of the applied-for license without the below-described conditions would interfere with the quiet enjoyment of the property by nearby residents and constitute grounds for the denial of the application under the provisions of Rule 61.4, of Chapter 1, Title 4, of the California Code of Regulations; and,

WHEREAS, the proposed premises is within 600 feet from a consideration point; and,

WHEREAS, issuance of an unrestricted license without the below-described conditions may interfere with the public use of the above-mentioned consideration point; and,

WHEREAS, the proposed premises are located in a crime reporting district that has a 20% greater number of reported crimes, as defined in subdivision (c) of Section 23958.4, than the average number of reported crimes as determined from all crime reporting districts with the jurisdiction of the local law enforcement agency; and,

WHEREAS, the petitioner(s) stipulate(s) that by reason of the aforementioned high crime, grounds exist for the denial of the applied-for license(s); and,

WHEREAS, the issuance of an unrestricted license would be contrary to public welfare or morals; and,

WHEREAS, the San Francisco Police Department protested the unconditional issuance of the license; and,

P.C.F.
Initials

WHEREAS, the issuance of an unrestricted license would be contrary to public welfare and morals;

WHEREAS, the San Francisco Police Department withdrew their protest due to the imposition of conditions;
and,

NOW, THEREFORE, the undersigned petitioner(s) do/does hereby petition for a conditional license as follows,
to-wit:

- 1 The sale of alcoholic beverages for off-sale consumption is strictly prohibited.
- 2 No noise shall be audible beyond the area of control of the licensee as defined on the ABC 257 dated 11-19-15.

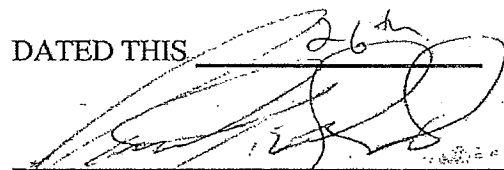
THIS SPACE WAS INTENTIONALLY LEFT BLANK

This petition for conditional license is made pursuant to the provisions of Sections 23800 through 23805 of the Business and Professions Code and will be carried forward in any transfer at the applicant-premises.

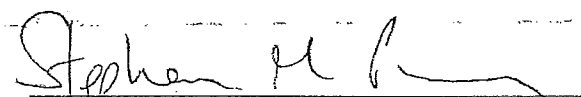
Petitioner(s) agree(s) to retain a copy of this petition on the premises at all times and will be prepared to produce it immediately upon the request of any peace officer.

The petitioner(s) understand(s) that any violation of the foregoing condition(s) shall be grounds for the suspension or revocation of the license(s).

DATED THIS 26th DAY OF September, 2016.



Applicant/Petitioner



Applicant/Petitioner

Donegal All Blacks, LLC
Dba Harry Harringtons Pub
460 Larkin Street
San Francisco, CA 94102
415-775-1150

Friday January 15, 2016

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

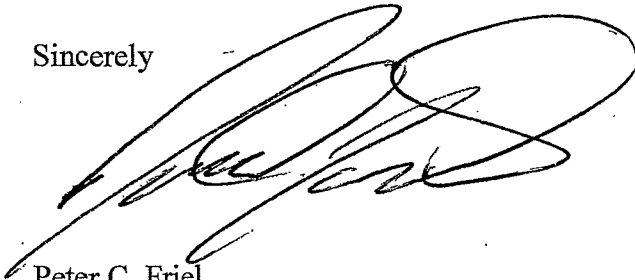
To Whom It May Concern:

We currently hold a 48-License for the premises located at 460 Larkin Street, and known as Harry Harringtons Pub. We have applied for an extension of the license to cover the premises at 456 Larkin Street, which is right next door. We would like to have a separate dining room so that we may run a full-service restaurant in addition to the bar area that is currently 460 Larkin Street.

Currently, there is nothing similar to our Irish pub style, in the neighborhood, and very few sit-down restaurants within the blocks surrounding us. We feel that such an eatery will add to the neighborhood in a positive fashion and help the community become one that embraces family and friends – something that is the soul of an Irish Bar/Restaurant. The restaurant will be open from 11.30am until 10pm.

Thank you for your consideration.

Sincerely



Peter C. Friel
Managing Member of Donegal All Blacks, LLC
415-279-5879
petercfriel@gmail.com

RECEIVED
SAN FRANCISCO BOARD OF SUPERVISORS
STREET ADDRESS
2016 JAN 15 PM 4:10

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

Donegal All Blacks LLC

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

460 Larkin St., San Francisco, CA 94102

3 LICENSE TYPE

48

4 TYPE OF BUSINESS

- Full Service Restaurant Hofbrau/Cafeteria Cocktail Lounge Private Club
- Deli or Specialty Restaurant Comedy Club Night Club *No* Veterans Club
- Cafe/Coffee Shop Brew Pub Tavern: Beer Fraternal Club
- Bed & Breakfast Theater Tavern: Beer & Wine Wine Tasting Room
- Wine only All

- Supermarket Membership Store Service Station Swap Meet/Flea Market
- Liquor Store Department Store Convenience Market Drive-in Dairy
- Drug/Variety Store Florist/Gift Shop Convenience Market w/Gasoline
- Other, describe:

5 COUNTY POPULATION

845,602

6. TOTAL NUMBER OF LICENSES IN COUNTY

275

- On-Sale Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY

- On-Sale Off-Sale

8. CENSUS TRACT NUMBER

0124-01

9 NO. OF LICENSES ALLOWED IN CENSUS TRACT

18

- On-Sale Off-Sale

10 NO. OF LICENSES EXISTING IN CENSUS TRACT

16

- On-Sale Off-Sale

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

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

12 DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

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

13 CRIME REPORTING DISTRICT NUMBER

VCT

14 TOTAL NUMBER OF REPORTING DISTRICTS

653

15 TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

53,160

16 AVERAGE NO. OF OFFENSES PER DISTRICT

81

17 120% OF AVERAGE NUMBER OF OFFENSES

97

18 TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

335

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

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

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

- a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.
- b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503, 16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license. Advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.
- c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application

Governing Body/Designated Subordinate Name:

Board of Supervisors

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

Handwritten initials/signature

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

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

We are the Owners of Harry Harrington's pub at 460 Larkin Street. We have taken over the empty premises at 456 Larkin Street. We would like to extend the 48 ABC license to these premises so that we can ~~create~~ create a dining room for a full-service restaurant. There are no Irish restaurants in the neighborhood and we believe such a restaurant (attached to the pub) would enhance the neighborhood.

22 APPLICANT SIGNATURE

23 DATE SIGNED

1/15/16

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

The applicant named on the reverse is applying for a license to sell alcoholic beverages at a premises where undue concentration exists (i.e., an over-concentration of licenses and/or a higher than average crime rate as defined in Section 23958.4 of the Business and Professions Code). Sections 23958 and 23958.4 of the Business and Professions Code requires the Department to deny the application unless the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance.

Please complete items #24 to #30 below and certify or affix an official seal, or attach a copy of the Council or Board resolution or a signed letter on official letterhead stating whether or not the issuance of the applied for license would serve as a public convenience or necessity.

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

Yes

No

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

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

Blank lined area for additional comments.

26 CITY/COUNTY OFFICIAL NAME

27 CITY/COUNTY OFFICIAL TITLE

28 CITY/COUNTY OFFICIAL PHONE NUMBER

29 CITY/COUNTY OFFICIAL SIGNATURE

30 DATE SIGNED

LIQUOR LICENSE REVIEW

TO: Planning Department **File:** 160041
AnMarie Rodgers/CTYPLN/SFGOV
Georgia Powell/CTYPLN/SFGOV@SFGOV
Fax No.: (415) 558-6409

TO: Police Department
Inspector Nelly Gordon
Phone: (415) 837-7273

DATE: January 19, 2016

This item is tentatively scheduled to be heard in four to six weeks.
PLEASE EMAIL YOUR RESPONSE BY: February 17, 2016, to Erica Major,
Public Safety and Neighborhood Services Committee Clerk.
Erica.Major@sfgov.org - Fax No: (415) 554-5163

Applicant Name: Peter C. Friel
and Business Name: Harry Harrington's Pub
(456 Larkin Street)

Applicant Address: 460 Larkin Street
San Francisco, CA 94102
and Phone No. (415) 775-1150

PLANNING COMMENTS: Approval Denial

POLICE COMMENTS: Approval Denial

