

File No. 210109

Committee Item No. 1

Board Item No. 17

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Comm: Public Safety & Neighborhood Services
Board of Supervisors Meeting:

Date: March 25, 2021

Date: April 6, 2021

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 |
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| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
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OTHER

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Police Department Response – March 18, 2021</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Planning Department Response – February 4, 2021</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral – February 1, 2021</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>PC or N Request Letter – January 29, 2021</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | <u>_____</u> |

Prepared by: John Carroll

Date: March 19, 2021

Prepared by: John Carroll

Date: April 1, 2021

Prepared by: John Carroll

Date: _____

1 [Liquor License - 496-14 Street - Bar Part Time]

2

3 **Resolution determining that the issuance of a Type-42 on-sale beer and wine**
4 **public premises liquor license to Bar Part Time, LLC, doing business as Bar Part**
5 **Time, located at 496-14 Street (District 8), will serve the public convenience or**
6 **necessity of the City and County of San Francisco, in accordance with California**
7 **Business and Professions Code, Section 23958.4; and requesting that the**
8 **California Department of Alcoholic Beverage Control impose conditions on the**
9 **issuance of the license.**

10

11 WHEREAS, Bar Part Time, LLC, is seeking the issuance of a Type-42 on-sale
12 beer and wine public premises liquor license to do business as Bar Part Time, located
13 at 496-14 Street (District 8); and

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

16 WHEREAS, The Police Department has filed zero protests and zero letters of
17 support with the Department of Alcoholic Beverage Control under California Business
18 and Professions Code, Section 24013, and recommends that the Department of
19 Alcoholic Beverage Control issue the liquor license with conditions; and

20 WHEREAS, The conditions recommended by the Police Department are the
21 following: 1) Petitioner(s) shall actively monitor the area under their control in an effort
22 to prevent the loitering of persons on any property adjacent to the licensed premises as
23 depicted on the most recently certified ABC-253; and 2) No noise shall be audible at
24 any nearby residence; now, therefore, be it

25

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-42 on-sale beer and wine public
4 premises liquor license to Bar Part Time, LLC, doing business as Bar Part Time, located
5 at 496-14 Street, will serve the public convenience or necessity of the City and County
6 of San Francisco; and, be it

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

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From: [Carroll, John \(BOS\)](#)
To: [Jordan Cohen](#); [Mundy, Erin \(BOS\)](#); [Temprano, Tom \(BOS\)](#); [Bintliff, Jacob \(BOS\)](#); ["Lovett, Li \(BOS\)"](#)
Cc: [Alabanza, Analyn@ABC](#); [Rose.Meyer@ABC.ca.gov](#); [Wu, Elton \(CPC\)](#); [CPC.Referrals](#); [Salmonson, Joel \(POL\)](#); [Sainez, Maricela \(POL\)](#)
Subject: RE: Liquor License - 496-14 Street - Bar Part Time
Date: Friday, March 19, 2021 10:51:00 AM
Attachments: [image001.png](#)

Good morning,

The Police Department has completed their review of the subject public convenience or necessity request and has forwarded their recommendations. For your convenience, I have the review available from the link below:

[Police Department Response – March 18, 2021](#)

The Police Department's ALU is recommending approval with the following conditions:

- 1) Petitioner(s) shall actively monitor the area under their control in an effort to prevent the loitering of persons on any property adjacent to the licensed premises as depicted on the most recently certified ABC-253;
- 2) No noise shall be audible at any nearby residence.

This matter is now agendized for a hearing on March 25, 2021. Here is a copy of the agenda for your information:

[Public Safety and Neighborhood Services Committee- Regular Meeting Agenda – March 25, 2021](#)

Please respond to this message and let me know who to expect in attendance at our remote meeting. I will send invitations midweek next week with instructions on how to attend and be heard during the meeting.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

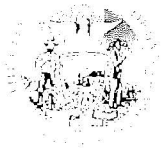
[Board of Supervisors File No. 210109](#)

Thanks for the review.

John Carroll
Assistant Clerk

Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415) 554-4445

(VIRTUAL APPOINTMENTS) To schedule a virtual meeting with me (on Microsoft Teams), please ask and I can



San Francisco Police Department
ABC Liaison Unit

Alcoholic Beverage License -
*Public Convenience or
Necessity Recommendation*

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

Supervisor Gordon Mar
Supervisor Catherine Stefani
Supervisor Matt Haney

From: **Sgt. Maricela Sainez #139** *MSR/ST*
MS Lt. Georgia Sawyer #1565
Officer in Charge
ALU/Permits Unit 415-553-9550

Date: March 18, 2021

Subject: P.C.N. Investigation Regarding: Bar Part Time, LLC
DBA: BAR PART TIME
496-14th St
San Francisco, CA. 94103-2316

Bar Part Time LLC has filed an application with the California Department of Alcoholic Beverage Control seeking a Type 42 (On-Sale Beer and Wine-Public Premise) license to be located at 496-14th St. (located Valencia St. and Guerrero St.)

Hours of Operation:

10:00 am to 2:00 am each day of the week.

Digest:

Bar Part Time would like to operate a Wine Bar/Shop to include Beer and Wine sales, located at 496-14th St. If approved, this license will allow them to sell On-Sale Beer and Wine.

Letters of Protest

0

Letters of Support

0

Police Calls for Service:

From December 2019 to December 2020

0 calls for service

Police Reports:

From December 2019 to December 2020

0 police reports

San Francisco Plot Information:

This premise is located in Plot: **403**

A High Crime area is defined as **107** or more police reports in a plot for the year of **2019**.

This plot had **379** police reports for **2019**, which is **272 higher** than the **Citywide "High Crime"** average

State Census Tract Information:

This premise is located in Census Tract: **202.00**
Population for this tract is: **6,269**

On-sale license authorized by census tract: **22**
Active on-sale licenses: 55 with 0 pending

Off-sale licenses authorized by census tract: **5**
Active off-sale licenses: 16 with 0 pending

Departmental Recommendation:

Points of consideration: **0**

No opposition from **Mission Station**.

Applicant premise **is** located in a “**High Crime**” area.

Applicant premise **is** located in a “**High Concentration**” area.

0 - Protest.

0 - Support

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

Conditions for Type 42- On-Sale Beer and Wine Public Premise

1. Petitioner(s) shall actively monitor the area under their control in an effort to prevent the loitering of persons on any property adjacent to the licensed premises as depicted on the most recently certified ABC-253.
2. No noise shall be audible at any nearby residence.

It should be noted that as of February 3rd, 2021 the applicant had agreed to the above listed recommended conditions.

496 14th St



Google

Map data ©2021 Google 100 ft

From: [Carroll, John \(BOS\)](#)
To: [Sawyer, Georgia \(POL\)](#); [Macchi, Patrick \(POL\)](#); [Salmonson, Joel \(POL\)](#); [Wong, Joanne \(POL\)](#); [Sainez, Maricela \(POL\)](#)
Cc: [Jordan Cohen](#); [Mundy, Erin \(BOS\)](#); [Temprano, Tom \(BOS\)](#); [Bintliff, Jacob \(BOS\)](#); "[Lovett, Li \(BOS\)](#)"; [Alabanza, Analyn@ABC](#); [Rose.Meyer@ABC.ca.gov](#); [Wu, Elton \(CPC\)](#); [CPC.Referrals](#)
Subject: RE: Liquor License - 496-14 Street - Bar Part Time
Date: Friday, February 5, 2021 10:35:00 AM
Attachments: [image001.png](#)

Good morning,

The Planning Department has completed their review of the subject application, and has forwarded their recommendation for approval. For your convenience, I have the review available from the link below:

[Planning Dept. Response - Received February 4, 2021](#)

The matter is now awaiting review by the Police Department's ALU.

After receiving review from the Police Department, the Public Safety and Neighborhood Services Committee may hear and consider public convenience or necessity findings for the application, to be forwarded to the California Department of Alcoholic Beverage Control for their consideration in the license matter.

The Public Safety and Neighborhood Services Committee may tentatively schedule this hearing for a regular meeting in March of 2021.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 210109](#)

Thanks for the review.

John Carroll
Assistant Clerk

Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415) 554-4445

(VIRTUAL APPOINTMENTS) To schedule a virtual meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

**LIQUOR LICENSE
PUBLIC CONVENIENCE OR
NECESSITY REFERRAL**

TO: Planning Department
Phone No. (415) 558-6371

DATE: February 1, 2021
AP Block/Lot Nos.: 3533/026
Zoning: NC-1 40-X
Quad: SE Planning Team
Record No.: 2021-001125MIS

TO: Police Department
Inspector Georgia Sawyer
Phone No. (415) 553-9550

Please submit your response within three weeks. The Public Safety and Neighborhood Services Committee will tentatively schedule the PC or N hearing for a regular meeting in March of 2021.

PLEASE EMAIL YOUR RESPONSE BY February 19, 2021, to John Carroll, Public Safety and Neighborhood Services Committee Clerk.
john.carroll@sfgov.org - Phone No: 554-4445

Applicant name: BAR PART TIME LLC
Business name: BAR PART TIME
Application address: 496-14 Street
San Francisco, CA 94103
Applicant contact info: Jordan Reis Cohen
jordan@brickandmortarlegal.com

PLANNING REVIEW: Approval Denial

Planning Staff Contact: Elton Wu 628-652-7415
2-4-2021

Please print review comments on a trailing page.
Recommendation for approval for 496 14th Street for a ABC Type 42 license per Planning Code Section 710 and Planning Commission Motion Number 16768.

POLICE REVIEW: Approval Denial

Please print review comments in a trailing report.

© BAR PART TIME

January 19, 2021

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

VIA Certified Mail

RE: Public Convenience and Necessity Resolution; Bar Part Time, LLC DBA Bar Part Time; 496 14th Street, San Francisco, CA 94103; Type-42 On-Sale Beer and Wine Public Premises (#623069)

Dear Ms. Calvillo:

The Department of Alcoholic Beverage Control is currently reviewing our application to place a type-42 license on our recently leased premises at 496 14th Street, San Francisco CA 94103. We request a hearing for a public convenience and necessity resolution. We wish to operate with this license from 10:00 am to 2:00 am each day of the week. The mailing notification to residents within 500 feet was mailed on Monday, January 11th and the thirty-day protest period will expire Tuesday February 2nd. Necessitated out of the pandemic and shelter-in-place, our company began as a simple online wine shop holding a type-85 Limited Off-Sale Wine license, it was so successful that we now wish to offer a share of our unique and predominantly biodynamic, organic, and natural wines to customers at this neighborhood wine bar and shop.

Our business is to be located in the rapidly developing Mission/Upper Market District of San Francisco. There are surrounding residences within 100 ft. Just like the theme of our online wine shop, this brick-and-mortar business will be an approachable and comforting space which will fit in nicely with the surrounding mixed-use district. The area is properly zoned for this type of license as NC-1 – Neighborhood Commercial, Cluster. In the midst of so many local businesses having to shutter as a result of the pandemic, we hope to be a bright spot in this city and bring life to a beautiful space. The San Francisco Police Department believes issuing a type-42 license will not cause any problems in the neighborhood. We have the overwhelming support for this application from many of our neighbors as well having begun dialogue with the Castro Merchants, Mission Merchants, and Mission Dolores Association.

As the operator of this wine shop and bar, we are enthusiastic to bring together our interests in music, art, and community stemming from each of our unique professional and personal backgrounds. Two of the three owners have worked in the San Francisco hospitality industry for over 10 years each. One of whom is a certified cicerone and the other has been directly involved with the music scene in the city since 2010 acting as a strong supporter of the local

496 14th Street, San Francisco CA 94103
415.894.5436

BY


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BOARD OF SUPERVISORS
SAN FRANCISCO
2021 JAN 25 PM 4:46

arts. Creating a neighborhood destination along with a casual and comfortable space for visitors is our ultimate goal. We will provide a diverse offering of wine and beer for those of all backgrounds both new to natural wine and connoisseurs alike, all among an atmosphere highlighting the San Francisco art and music community and promoting conversation. This ABC license will allow us to feature fine wines and micro beers by the glass and bottle, permitting us to hire staff that have been laid off as a result of the pandemic, creating jobs for the community and increasing sales tax revenues for the City. Our business is located in a higher-than-average crime district and this ABC license will allow us to create pedestrian foot traffic to the business, putting more eyes on the street, activating our city block, and making the neighborhood safer.

There is no similar high-quality natural wine bar for several blocks offering this unique selection of high-end beer and organic, natural wines along with an intimate focus on local arts, which means that the elderly and those who do not have the means or time to travel far, such as parents, can enjoy a glass of local wine near their home. We will benefit many Castro, Mission, Duboce Triangle, and Upper-Market residents who might otherwise have to drive to another neighborhood for a similar experience.

The added revenue from this new license will allow us to sponsor charitable events and organizations in the neighborhood as we continue to build relationships in the community just as we have done with our original Bar Part Time wine sales business raising money for Black Visions Collective & The Disability Social Club, Anthony Powell & Faheem Carter who opened an organic farm in Bayview, East Oakland Collective, and donation matching with customers that were donated to many different groups. Allowing this license to issue to this location, in accordance with § 23958.4 of the California Business and Professions code, will allow the residents from the surrounding neighborhood to have beer or wine in a safe and friendly environment, and will be a much-appreciated feature of this shop. Please feel free to contact Jordan R. Cohen with any questions or concerns at 415.894.5436. Approval of this license will definitely serve the public convenience and necessity of our neighbors and of the people of the City and County of San Francisco.

Thank you for your consideration.

Yours truly,



Justin Dolezal, Owner
Bar Part Time

496 14th Street, San Francisco CA 94103
415.894.5436

PLANNING COMMISSION

Case No. 2004.0140 C
496 14TH STREET
Assessor's Block 3533 and Lot 026

SAN FRANCISCO

PLANNING COMMISSION

MOTION NO. 16768

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTIONS 710.48 AND 790.38, TO ALLOW OTHER ENTERTAINMENT, IN AN EXISTING BAR, IN AN NC-1 (NEIGHBORHOOD COMMERCIAL CLUSTER) DISTRICT, AND A 40-X HEIGHT AND BULK DISTRICT.

Preamble

On February 12, 2004, Kimberly Jordan, (hereinafter "Project Sponsors,") made an application (hereinafter "Application") for Conditional Use authorization on the property at 496 14th Street, d.b.a. The Hush Hush Lounge, Lot 26 in Assessor's Block 3533 (hereinafter "Property") to allow for the establishment of other entertainment as defined by Planning Code Section 790.38, within an NC-1 (Neighborhood Commercial Cluster) District, and a 40-X Height and Bulk District, in general conformity with Plans filed with the Application and labeled "Exhibit B" (hereinafter "Project").

On April 15, 2004, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2004.0140C. Conditional Use authorization is required to allow "other entertainment" in NC-1 Districts.

The proposed Conditional Use application was determined by the San Francisco Planning Department (hereinafter "Department") to be exempt from environmental review pursuant to Title 14 Class No. 1a of the California Administrative Code. The Commission has reviewed and concurs with said determination.

Findings

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

1. The above recitals are accurate and also constitute findings of this Commission.
2. **Site Condition.** The subject site is at the northeast corner of 14th Street and Guerrero Street and measures 68.5-feet along 14th Street and 78-feet along Guerrero Street. It is improved with a one story commercial building that includes three separate tenant spaces: the subject bar, a coin laundry mat, and a bicycle shop. The building is built to full lot coverage. The subject bar is approximately 1,300 square with a frontage of about 21-feet.

3. **Surrounding Context.** The subject site is with an NC-1 (Neighborhood Commercial Cluster) District that encompasses the subject property, the northwest corner property of 14th and Guerrero Streets, and the two properties immediately across 14th Street. Other uses with the NC-1 District include a laundry mat, retail stores, a bicycle shop, and upper floor residential uses. The newly constructed mixed-use building is located on the southeast corner of the intersection and does not yet have commercial tenants. The rest of the immediately surrounding area is characterized by apartment houses that are generally four-stories tall.
4. **Proposal.** The proposal is to establish "other entertainment" as defined by Planning Code Section 790.38. Specifically, the proprietor of the Hush Hush Lounge wishes to offer their patrons live amplified entertainment (live bands) and amplified recorded music (DJs) every night of the week. They are proposing that such entertainment be allowed 6 pm through 2 am every night. The Commission finds that hours of operation for "other entertainment" at the subject site should be restricted to 6pm to 12 am Mondays through Thursdays, and 6pm to 1:30am Fridays and Saturdays.
5. **Past History and Actions.** The current owner bought the bar in 1998 at which point she had the bar extensively sound-proofed. The sound proofing entailed installing two layers of sheet rock, one layer of sound board, and one layer of air channel padding on all walls and on the ceiling. Without knowledge of the need for a Place of Entertainment Police Permit or a Conditional Use authorization from the Planning Commission, she provided amplified recorded music and live DJs, as well as occasional live bands as part of the bar operation. In November 2003, the Police Department received two complaints due to the base being too loud. Upon receiving a Notice of Violation that cited the provision of amplified music without a permit as well as the noise levels being too high, the owner applied for a Place of Entertainment permit with the Entertainment Commission, applied for Conditional Use authorization with the Planning Department, and locked-up the bar's amplification system to assure that the base levels were kept at a level where it would not be audible from outside of the bar. On January 20, 2004, the Entertainment Commission heard and granted the project sponsor the requested Place of Entertainment License with conditions.
6. **Support and Opposition to Project.** The Department has received about 90 written messages of support, including from The Mission Merchants Association, as well as two letters of opposition / concern, and has received two phone calls in opposition / concern. The project sponsor has worked to address immediate neighbors concerns and has done her own outreach, providing her own contact information in her own mailed notice to immediate neighbors.

7. **NC-1 District – Conditional Use Required.** The subject site is within an NC-1 Districts. NC-1 Districts are characterized by their close proximity to residential areas. Their intensity varies but generally include a small number of commercial establishments often clustered around corners. Building controls for the NC-1 District promote low-intensity development which is compatible with the existing scale and character of these neighborhood areas. Commercial development is limited to one story. As noted above, "other entertainment" requires Conditional Use authorization in the NC-1 District. Planning Code Section 790.38 defines "other entertainment" as a use "which provides live entertainment, including dramatic and musical performances, and/or operates as a dance hall which provides amplified taped music for dancing on the premises, including but not limited to those defined in Section 1060 of the Police Code, and which is adequately soundproofed of insulated so as to confine incidental noise to the premises." Therefore, having amplified recorded music with DJs, as well as having live bands requires Conditional Use at this location.

8. **Conditional Use Findings.** Under the provisions of Planning Code Section 303, the Commission may authorize a Conditional Use after finding that the proposed use will provide a development that is necessary or desirable for and compatible with the neighborhood or the community, that such use will not be detrimental to the health, safety, convenience or general welfare or persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity and that such use will not adversely affect the General Plan. The Project is found to be consistent with the criteria of Section 303 of the Code 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 subject bar has existed at this site since the 1940's, according to the project sponsor. There are no proposed physical expansions or changes as a part of this proposal. This proposal would be to allow "other entertainment", including amplified recorded music with DJs, and live bands. The project sponsor wishes to add "other entertainment" as an amenity to the bar and does not anticipate that it will attract significantly more patrons. With this amenity, she will be able to earn more with which she can hire security to monitor patrons who go outside to smoke, thereby preventing any problematic behavior outside of the bar. When the current owner bought it, she had the tenant space soundproofed. The project sponsor has also but a lock on the amplification equipment to assure that base levels are not at levels that can be heard or felt outside of the establishment.

 - 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;

As noted above, the size and configuration of the subject building as well as the size and configuration of the subject commercial space would not change.

- 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 subject bar is relatively small in size and it is not anticipated that the bar's patronage would increase significantly with the added "other entertainment"; therefore the "other entertainment" use would not, in of itself, create a significant amount of additional traffic. Furthermore, the subject building is two blocks from Mission Street and about two blocks from Market Street, two of the City's most intensive transit corridors, from which patrons could easily walk.

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

As noted above, the business owner of the Hush Hush Lounge have made extensive noise insulating improvements to the bar recently .

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

The subject commercial space is an existing bar. No physical changes are proposed.

9. **"Other Entertainment" Findings.** The project meets the required findings for other entertainment in zoning categories .46, .47, and .48, pursuant to Planning Code Article 7, Section 703.2(a):

- a. The proposed use is not located within 1,000 feet of another such use, if the proposed use or feature is included in zoning category .47, as defined by Section 790.36 of this Code; and/or

This criteria relates to adult entertainment and not to the proposed "other entertainment" and therefore is not applicable.

- b. The proposed use is not open between two a.m. and six a.m.; and

The proposed use will be closed between 2 am and 6 am.

- c. The proposed use does not use electronic amplification between midnight and six a.m.;

The Planning Commission is approving "electronic amplification" in the form of live DJs and live bands 6 pm to 12 am Monday through Thursdays, and 6 pm to 1:30 am Fridays and Saturdays, but has made extensive improvements to the bar to assure that no noise coming from the bar is audible in any nearby dwelling unit.

- d. The proposed use is 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.

Section 2901.1 of the San Francisco Police Code (The San Francisco Noise Control Ordinance) defines unnecessary, excessive or offensive noise as any sound or noise conflicting with the criteria, standards, or levels established for permissible noises. In the absence of specific maximum noise levels, a noise level which exceeds the ambient noise level of 5dBA or more, when measured at the nearest property line or, in the case of multiple-family residential buildings, when measured anywhere in one dwelling unit with respect to noise emanating from another dwelling unit or from common space in the same building, is deemed a violation.

The project sponsor has noise buffering improvements to the tenant space to assure that the bar's noise is contained within the establishment. The improvements included installing two layers of sheet rock, one layer of sound board, and one layer of air channel padding on all walls and on the ceiling. On March 26, 2004, the Police Department's Noise Abatement division did a site visit

at the site. The Police Department determined that the San Francisco Noise Control Ordinance was being adhered to at the site.

Notwithstanding the above, the Planning Commission may authorize a conditional use which does not satisfy the criteria set forth in 11b and 11c above, if facts presented are such to establish that the use will be operated in such a way as to minimize disruption to residences in and around the district with respect to noise and crowd control.

The bar does propose to provide live and recorded amplified music between midnight and 1:30. However, the project sponsor has made the necessary physical changes to the bar in assuring that the noise is appropriately contained within the tenant space.

10. **General Plan Conformity.** The Project meets the criteria in Section 303(c)(3) by complying with applicable provisions of the Planning Code as established in the Findings and affirmatively promoting the objectives and policies of the General Plan.

Commerce and Industry Element:

Guidelines for All Uses in Neighborhood Commercial Districts:

The Neighborhood Commerce portion of the Commerce and Industry Element of the General Plan promotes multiple uses in neighborhood commercial areas with priority given to neighborhood-serving retail and service activity. The following pertinent guidelines, which have been designed for all uses within Neighborhood Commercial Districts, should be used to determine the feasibility of the Project:

- Existing businesses, especially neighborhood-serving retail stores and services should be retained wherever feasible and in conformity with the Planning Code.
- New uses should be consistent with the purpose of the district in which they are located as stated in the Planning Code.
- The use should contribute to a variety of uses in the district and avoid an undesirable concentration of one type of use in a certain location.
- The use should not detract from the livability of the district or adjacent residential areas by causing offensive noise, odors, or light, particularly in the late night or very early morning hours.
- The use should not significantly increase traffic congestion or parking problems.

The **Commerce and Industry Element** of the General Plan contains the following relevant Objectives and Policies:

OBJECTIVE 6: MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 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.

Policy 3: Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of existing affordable housing and needed expansion of commercial activity.

Policy 9: Regulate uses so that traffic impacts and parking problems are minimized.

OBJECTIVE 8: ENHANCE SAN FRANCISCO'S POSITION AS A NATIONAL TRADE CENTER FOR CONVENTIONS AND VISITOR TRADE

Policy 2: Support locally initiated efforts to improve the visitor trade appeal of neighborhood commercial districts.

The proposal is generally consistent with the Neighborhood Commerce portion of the **Commerce and Industry Element** of the General Plan, in that;

- *The proposal would promote a mixed commercial-residential character by enhancing an existing commercial use, which serves area residents.*
- *The entertainment use would be limited by the conditions of the Police permit so as to prevent having a negative impact on residents of adjacent buildings.*
- *It is unlikely that there would be an adverse effect on traffic and parking patterns and volume, since the area is already well traveled by pedestrians from the surrounding neighborhoods.*

The **Residence Element** of the General Plan contains the following applicable Objective and Policy:

OBJECTIVE 12: TO PROVIDE A QUALITY LIVING ENVIRONMENT.

Policy 2: Allow appropriate neighborhood-serving commercial activities in residential areas.

The proposal is generally consistent with the Neighborhood Environment portion of the **Residence Element** of the General Plan, in that;

- *The proposal would enhance the quality of life for the residents of the neighborhood by adding to the variety of the existing commercial establishments.*

11. **General Plan Findings.** Planning Code Section 101.1 establishes Eight Priority Planning Policies and requires review of permits for consistency with said policies. The Project complies with said policies in that:

- a. No neighborhood serving retail uses are being displaced or otherwise affected by the proposal.
- b. Existing housing and neighborhood character will not be adversely affected by the proposed project.
- c. The Project would have no adverse impact on the City's existing supply of affordable housing.
- d. The Project will not significantly effect automobile traffic congestion or parking problems in the neighborhood.
- e. No industrial or service industry establishment would be displaced by the Project.
- f. Earthquake safety requirements would be considered during review of any building permit applications.
- g. The subject building is not a landmark, within an historic district, and is not included on any historic or architectural surveys; they proposal will therefore not effect any historic properties.
- h. The Project has no impact on open space or parks or their access to sunlight and vistas.

12. 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.
13. 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. **2004.0140C** subject to the following conditions attached hereto as 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. x 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 94012.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission on ***April 15, 2004***

Linda Avery
Commission Secretary

AYES: Commissioners Antonini, Boyd, Bradford Bell, S. Lee and W. Lee

NOES: None

ABSENT: Commissioners Feldstein and Hughes

ADOPTED: April 15, 2004

CONDITIONS OF APPROVAL

1. Conditional Use is authorized to add other entertainment (as defined in Section 790.38) including live amplified music (bands) and DJs to an existing bar d.b.a. "The Hush Hush Lounge" on Lot 026 in Assessor's Block 3533 in an NC-1 (Neighborhood Commercial Cluster) District, as requested in Application No. 2004.0140C and reviewed by the Commission on April 15, 2004.
2. The authorization granted herein shall be valid for a period of three years from the date of the adoption of Motion No. 16768 and shall become null and void after that time if the required building and/or place of entertainments permits have not been obtained.
3. The other entertainment would be restricted to 6 pm to 12 am Monday through Thursdays, and 6 pm to 1:30 am Fridays and Saturdays..
4. The Project Sponsor shall comply with any requirements for sound-proofing imposed by the Police Department prior to the commencement of the authorized entertainment.
5. The Project shall comply with all conditions imposed by the Police Department and as outlined in the conditions attached to this Motion as Exhibit C. Sound from other entertainment shall not be audible from outside of the premises. All doors and windows shall be kept closed during all entertainment.
6. The Planning Department will not approve any Building Permit application, or any referral permit from the Police Department or the Entertainment Commission until the Police Department verifies that adequate sound proofing is in place to meet the conditions imposed by the Planning Department, the Police Department and the Entertainment Commission regarding appropriate noise levels.
7. The Project shall comply with the following "Good Neighbor" policies to insure that management and/or patrons of the establishment maintain the quiet, safety, and cleanliness of the premises and the vicinity of the use, and do not block driveways of neighboring residents or businesses.
 - (a) Notices shall be well-lit and prominently displayed at all entrances to and exits from the establishment urging patrons to leave the establishment and neighborhood in a quiet, peaceful, and orderly fashion and to please not litter or block driveways in the neighborhood; and

PLANNING COMMISSION

Case No. 2004.0140 C
496 14TH STREET
Assessor's Block 3533 and Lot 026
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Exhibit A
Page 2

- (b) Employees of the establishment shall walk a 100-foot radius from the premises some time between 30 minutes after closing time and 8:00 a.m. the following morning, and shall pick up and dispose of any discarded beverage containers and other trash left by area nighttime entertainment patrons; and
- (c) The operator of the bar shall maintain the main entrance and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at minimum, daily sweeping and litter pickup, and disposal and washing or steam/pressure cleaning of the main entrance and abutting sidewalks at least once every two weeks; and
- (d) The establishment shall provide outside lighting in a manner than would illuminate outside street and sidewalk areas and adjacent parking, as appropriate; and
- (e) The establishment shall provide adequate ventilation within the structure such that doors and/or windows are not left open for such purposes resulting in noise emission from the premises.
7. The Project shall comply with all City Codes.
8. Prior to the issuance of any building permit application for the change of use from bar to bar with live entertainment and/or of approval for a Place of Entertainment permit from the Planning Department, the owner(s) of the bar shall arrange for and pass a noise test of the proposed entertainment conducted by the Police Department's Noise Abatement Unit.
9. The Project Sponsor shall appoint a Community Liaison to address issues and matters of concern to nearby residents or commercial lessees. This liaison or a designated representative shall be available at the establishment at all times during business hours. The Project Sponsor shall report the name and telephone number of this liaison to the Zoning Administrator for reference.
10. Should the monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successor(s) shall pay fees as established in Planning Code Section 351(e)(1).
11. The Project Sponsor or its successors shall comply fully with all conditions specified in this authorization. Failure to comply with any condition shall constitute grounds for revocation under the provisions of Planning Code sections 303(f). The Zoning Administrator shall schedule a public hearing before the Planning Commission to receive testimony and other evidence to demonstrate a finding of a violation of a

PLANNING COMMISSION

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condition of the authorization of the use of the facility and, finding that violation, the Commission shall revoke the Conditional Use authorization. Such revocation by the Planning Commission is appealable to the Board of Supervisors.

12. The property owner shall record a copy of these Conditions of Approval with the Office of the Recorder for the City and County of San Francisco for recordation as part of the property records.

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From: [Carroll, John \(BOS\)](#)
To: [CPC.Referrals](#); [Sawyer, Georgia \(POL\)](#)
Cc: [Jordan Reis Cohen](#); [Mundy, Erin \(BOS\)](#); [Temprano, Tom \(BOS\)](#); [Bintliff, Jacob \(BOS\)](#); ["Lovett, Li \(BOS\)"](#); [Alabanza, Analyn@ABC](#); [Rose.Meyer@ABC.ca.gov](#); [Macchi, Patrick \(POL\)](#); [Salmonson, Joel \(POL\)](#); [Wong, Joanne \(POL\)](#); [Sainez, Maricela \(POL\)](#); [Wu, Elton \(CPC\)](#)
Subject: Liquor License - 496-14 Street - Bar Part Time
Date: Monday, February 1, 2021 1:44:00 PM
Attachments: [image001.png](#)

Greetings,

The office of the Clerk of the Board has received a letter requesting public convenience or necessity findings for a liquor license. This matter is being referred to you for response via the following linked document:

[Referral Letter - Planning and Police Departments – February 1, 2021](#)

You may review the entire matter on our [Legislative Research Center](#) by following the link below:

-

[Board of Supervisors File No. 210109](#)

After receiving review from the Planning and Police Departments, the Public Safety and Neighborhood Services Committee may hear and consider public convenience or necessity findings for the application, to be forwarded to the California Department of Alcoholic Beverage Control for consideration in the license matter.

The Public Safety and Neighborhood Services Committee may tentatively schedule this hearing for a regular remote meeting in March of 2021.

I request the Planning Department's response before February 19, 2021. Please confirm receipt of this message.

You may review the fact sheet for public convenience or necessity requests from the San Francisco Board of Supervisors via the following link:

[Liquor License Public Convenience or Necessity Request](#)

Thanks for the review.

John Carroll

Assistant Clerk

Board of Supervisors

San Francisco City Hall, Room 244

San Francisco, CA 94102

(415) 554-4445

(VIRTUAL APPOINTMENTS) To schedule a virtual meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

**LIQUOR LICENSE
PUBLIC CONVENIENCE OR
NECESSITY REFERRAL**

TO: Planning Department
Phone No. (415) 558-6371

DATE: February 1, 2021
AP Block/Lot Nos.: 3533/026
Zoning: NC-1 40-X
Quad: SE Planning Team
Record No.: _____

TO: Police Department
Inspector Georgia Sawyer
Phone No. (415) 553-9550

Please submit your response within three weeks. The Public Safety and Neighborhood Services Committee will tentatively schedule the PC or N hearing for a regular meeting in March of 2021.

PLEASE EMAIL YOUR RESPONSE BY February 19, 2021, to John Carroll, Public Safety and Neighborhood Services Committee Clerk.
john.carroll@sfgov.org - Phone No: 554-4445

Applicant name: BAR PART TIME LLC
Business name: BAR PART TIME
Application address: 496-14 Street
San Francisco, CA 94103
Applicant contact info: Jordan Reis Cohen
jordan@brickandmortarlegal.com

PLANNING REVIEW: Approval Denial

Planning Staff Contact: _____

Please print review comments on a trailing page.

POLICE REVIEW: Approval Denial

Please print review comments in a trailing report.

© BAR PART TIME

January 19, 2021

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

VIA Certified Mail

RE: Public Convenience and Necessity Resolution; Bar Part Time, LLC DBA Bar Part Time; 496 14th Street, San Francisco, CA 94103; Type-42 On-Sale Beer and Wine Public Premises (#623069)

Dear Ms. Calvillo:

The Department of Alcoholic Beverage Control is currently reviewing our application to place a type-42 license on our recently leased premises at 496 14th Street, San Francisco CA 94103. We request a hearing for a public convenience and necessity resolution. We wish to operate with this license from 10:00 am to 2:00 am each day of the week. The mailing notification to residents within 500 feet was mailed on Monday, January 11th and the thirty-day protest period will expire Tuesday February 2nd. Necessitated out of the pandemic and shelter-in-place, our company began as a simple online wine shop holding a type-85 Limited Off-Sale Wine license, it was so successful that we now wish to offer a share of our unique and predominantly biodynamic, organic, and natural wines to customers at this neighborhood wine bar and shop.

Our business is to be located in the rapidly developing Mission/Upper Market District of San Francisco. There are surrounding residences within 100 ft. Just like the theme of our online wine shop, this brick-and-mortar business will be an approachable and comforting space which will fit in nicely with the surrounding mixed-use district. The area is properly zoned for this type of license as NC-1 – Neighborhood Commercial, Cluster. In the midst of so many local businesses having to shutter as a result of the pandemic, we hope to be a bright spot in this city and bring life to a beautiful space. The San Francisco Police Department believes issuing a type-42 license will not cause any problems in the neighborhood. We have the overwhelming support for this application from many of our neighbors as well having begun dialogue with the Castro Merchants, Mission Merchants, and Mission Dolores Association.

As the operator of this wine shop and bar, we are enthusiastic to bring together our interests in music, art, and community stemming from each of our unique professional and personal backgrounds. Two of the three owners have worked in the San Francisco hospitality industry for over 10 years each. One of whom is a certified cicerone and the other has been directly involved with the music scene in the city since 2010 acting as a strong supporter of the local

496 14th Street, San Francisco CA 94103
415.894.5436

BY


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BOARD OF SUPERVISORS
SAN FRANCISCO
2021 JAN 25 PM 4:46

arts. Creating a neighborhood destination along with a casual and comfortable space for visitors is our ultimate goal. We will provide a diverse offering of wine and beer for those of all backgrounds both new to natural wine and connoisseurs alike, all among an atmosphere highlighting the San Francisco art and music community and promoting conversation. This ABC license will allow us to feature fine wines and micro beers by the glass and bottle, permitting us to hire staff that have been laid off as a result of the pandemic, creating jobs for the community and increasing sales tax revenues for the City. Our business is located in a higher-than-average crime district and this ABC license will allow us to create pedestrian foot traffic to the business, putting more eyes on the street, activating our city block, and making the neighborhood safer.

There is no similar high-quality natural wine bar for several blocks offering this unique selection of high-end beer and organic, natural wines along with an intimate focus on local arts, which means that the elderly and those who do not have the means or time to travel far, such as parents, can enjoy a glass of local wine near their home. We will benefit many Castro, Mission, Duboce Triangle, and Upper-Market residents who might otherwise have to drive to another neighborhood for a similar experience.

The added revenue from this new license will allow us to sponsor charitable events and organizations in the neighborhood as we continue to build relationships in the community just as we have done with our original Bar Part Time wine sales business raising money for Black Visions Collective & The Disability Social Club, Anthony Powell & Faheem Carter who opened an organic farm in Bayview, East Oakland Collective, and donation matching with customers that were donated to many different groups. Allowing this license to issue to this location, in accordance with § 23958.4 of the California Business and Professions code, will allow the residents from the surrounding neighborhood to have beer or wine in a safe and friendly environment, and will be a much-appreciated feature of this shop. Please feel free to contact Jordan R. Cohen with any questions or concerns at 415.894.5436. Approval of this license will definitely serve the public convenience and necessity of our neighbors and of the people of the City and County of San Francisco.

Thank you for your consideration.

Yours truly,



Justin Dolezal, Owner
Bar Part Time

496 14th Street, San Francisco CA 94103
415.894.5436