

File No. 151158 Committee Item No. 2
 Board Item No. 18

COMMITTEE/BOARD OF SUPERVISORS
 AGENDA PACKET CONTENTS LIST

Committee: Public Safety and Neighborhood Services Date March 10, 2016

Board of Supervisors Meeting Date MARCH 22, 2015
 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 checked="" type="checkbox"/> | <input checked="" 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 (PCN) |
| <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 - 11.09.2015</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>PLANNING RESPONSE - 11.12.2015</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>POLICE RESPONSE - 03.03.2016</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Completed by: Erica Major Date March 4, 2016
 Completed by: JJM Date 3/14/2016

1 [Liquor License - 1981 Sutter Street]

2
3 **Resolution determining that the issuance of a Type 42 on-sale beer and wine**
4 **license to Eben R. Marsh for Nighthawk's LLC, dba Pinot's Palette, located at**
5 **1981 Sutter Street (District 5), will serve the public convenience or necessity of**
6 **the City and County of San Francisco in accordance with California Business and**
7 **Professions Code, Section 23958.4, and recommending that the California**
8 **Department of Alcoholic Beverage Control impose conditions on the issuance of**
9 **the license.**

10
11 WHEREAS, Eben Marsh is seeking the issuance of a Type 42 on-sale beer and
12 wine license for Nighthawk's LLC, dba Pinot's Palette located at 1981 Sutter Street
13 (District 5); 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 (0) protests and zero (0)
17 letters of support with the Department of Alcoholic Beverage Control under California
18 Business and Professions Code, Section 24013, and recommends that the Department
19 of Alcoholic Beverage Control issue the liquor license with conditions; and

20 WHEREAS, The conditions recommended by the Police Department are the
21 following: 1) sales, service, and consumption of alcoholic beverages shall be permitted
22 only between the hours of 12:00 p.m. and 10:00 p.m. daily; 2) no noise shall be audible
23 beyond the area under the control of the licensee as defined on the ABC-257; 3) the
24 petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the
25 premises over which they have control; 4) loitering (defined as "to stand idly about;

1 linger aimlessly without lawful business”) is prohibited on any sidewalks or property
2 adjacent to the licensed premises under the control of the licensee; 5) graffiti shall be
3 removed from the premises and all parking lots under the control of the licensee within
4 72 hours of application. If the graffiti occurs on a Friday or weekend day, or on a
5 holiday, the licensee shall remove the graffiti within 72 hours following the beginning of
6 the next week day; 6) the interior lighting maintained therein shall be sufficient to make
7 easily discernible the appearance and conduct of all persons and patrons in that portion
8 of the premises where alcoholic beverages are sold, served, delivered or consumed; 7)
9 the exterior of the premises shall be equipped with lighting of sufficient power to
10 illuminate and make easily discernible the appearance and conduct of all persons on or
11 about the premises. Additionally, the position of such lighting shall not disturb the
12 normal privacy and use of any neighboring residence; 8) petitioner shall not make
13 structural changes in the premises interior without prior written approval from the
14 Department; and 9) the sale of alcoholic beverages for off-sale is strictly prohibited;
15 now, therefore, be it

16 RESOLVED, That in accordance with California Business and Professions Code,
17 Section 23958.4, the Board of Supervisors of the City and County of San Francisco
18 hereby determines that the issuance of a Type 42 on-sale beer and wine license to
19 Eben Marsh, for Nighthawk’s LLC, dba Pinot’s Palette, located at 1981 Sutter Street
20 (District 5), will serve the public convenience or necessity of the City and County of San
21 Francisco; and, be it

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



San Francisco Police Department
ABC Liaison Unit



Alcoholic Beverage License -
*Public Convenience and
Necessity Recommendation*

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

Supervisor Eric Mar
Supervisor David Campos
Supervisor Aaron Peskin

From: Lieutenant Dave Falzon
Officer in Charge
ABC Liaison Unit (ALU) 837-7269

Date: March 3, 2016

Subject: P.C.N. Investigation Regarding: Nighthawk's, LLC.
DBA: Pinot's Palette
1981 Sutter Street
Eben Marsh
(415)279-8963

Eben Marsh of Nighthawk's, LLC, dba Pinot's Palette has filed an application with the California Department of Alcoholic Beverage Control seeking a -Type 42 (On-Sale Beer and Wine) License for 1981 Sutter Street (located between Fillmore and Webster Streets).

Hours of Operation:

Daily 12 p.m.-10 p.m.

Digest:

The licensee wishes to operate as an upscale paint and sip studio. If approved, this license will allow Pinot's Palette to sell On-Sale Beer and Wine at this premises.

Letters of Protest:

No Record

Letters of Support:

No Record

Police Calls for Service:

From February 2014 to February 2015

0

Police Reports:

From February 2014 to February 2015

0

San Francisco Plot Information:

This premise is located in Plot 537

A High Crime area is defined as 98 or more police reports in a plot for the year of 2014.

This plot had 289 police reports for 2014, which is 191 over the Citywide "High Crime" average.

State Census Tract Information:

This premise is located in Census Tract 0155.00

Population for this tract is: 3,622

On-sale license authorized by census tract: 12

Active on-sale licenses: 55 with 1 pending

Off-sale licenses authorized by census tract: 3

Active off-sale licenses: 8 with 1 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.

0 - Record of protest.

0 - Record of support.

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

Conditions for Type 42 (On-Sale Beer and Wine)

1. Sales, service, and consumption of alcoholic beverages shall be permitted only between the hours of 12:00 p.m. and 10:00 p.m. daily.
2. No noise shall be audible beyond the area under the control of the licensee as defined on the ABC-257, dated _____.
3. The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
4. Loitering (loitering is defined as "to stand idly about; linger aimlessly without lawful business") is prohibited on any sidewalks or property adjacent to the licensed premises under the control of the licensee.
5. Graffiti shall be removed from the premises and all parking lots under the control of the licensee within 72 hours of application. If the graffiti occurs on a Friday or weekend day, or on a holiday, the licensee shall remove the graffiti within 72 hours following the beginning of the next week day.
6. 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.
7. The exterior of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the premises. Additionally, the position of such lighting shall not disturb the normal privacy and use of any neighboring residences.
8. Petitioner shall not make structural changes in the premises interior without prior written approval from the Department.
9. The sale of alcoholic beverages for off-sale is strictly prohibited.

End

11/23/2015

1981 Sutter St - Google Maps



<https://www.google.com/maps/place/1981+Sutter+St,+San+Francisco,+CA+94115/@37.7857414,-122.4329043,17z/data=!4m2!3m1!1s0x808580b860dcd23b0x3048949b71d739af>

2/4

1/29/2015

1983 Sutter St - Google Maps



<https://www.google.com/maps/place/1981+Sutter+St,+San+Francisco,+CA+94115/@37.7881286,-122.4329459,3a,49.5y,158.47h,81.69t/data=!3m1!1e1!3m5!1s6XKTqz4LuoV9Twkog01Bpg2e0!6s%2F%2Fgeo3.gg...> 2/3

LIQUOR LICENSE REVIEW

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

File: 151158

Block/Lot: 0684/040

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

*Zoning: NCT
Quad: NW*

Record # 2015-014887 MIS

DATE: November 9, 2015

This item is tentatively scheduled to be heard in four to six weeks.
PLEASE EMAIL YOUR RESPONSE BY: December 9, 2015, to Erica Major,
Public Safety and Neighborhood Services Committee Clerk.
Erica.Major@sfgov.org - Fax No: (415) 554-5163

Applicant Name: Eben R. Marsh
and Business Name: Pinot's Palette
(1981 Sutter Street)
Applicant Address: 2040 Franklin Street #1108
San Francisco, CA 94109
and Phone No. (415) 279-8963

PLANNING COMMENTS: Approval Denial

*BAR IS A PERMITTED USE IN THE FILLMORE STREET NCT.
CONDITIONAL USE TO ALLOW A FORMULA RETAIL BUSINESS
(DBA "PINOT'S PALETTE") WAS GRANTED ON 9/24/15.*

POLICE COMMENTS: Approval Denial

Eben R Marsh

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2015 NOV -5 PM 2:30

2040 Franklin Street #1108 San Francisco, CA 94109 | 415.279.8963 | fillmoredistrict@pinotspalette.com

October 30, 2015

Clerk of the board

Nighthawk's LLC DBA Pinot's Palette
1981 Sutter Street
San Francisco, CA 94115
Fillmoredistrict@pinotspalette.com
415.279.8963

San Francisco Board of Supervisor
1 Dr. Carlton B Goodlett Place
San Francisco, CA 94102

Dear Clerk of the Board:

Re: PCN Request

Please note we have filed for #42 liquor license which was approved but being held in planning until a conditional Use Permit is in place which was unanimously approved on 9/24/2015.

Pinot's Palette is an upscale paint and sip studio. Our Mission is to bring art and entertainment to the masses through a fun night out. Trained instructors will guide our patrons through a step by step process to produce a painting of their choice.

We will support the local economy by providing a unique entertainment to adults in San Francisco thereby bringing folks into the neighbor whereby they can take advantage of the plethora of restaurants, pubs and entertainment venues.

Our commitment to the community is a top priority. Pinot's Palette will donate to community fund raising event throughout the year. We will also be hiring artist and other staff from the local vicinity.

Generally speaking our hours of business operation will be 10:00am to 10:00 pm. Most classes run from 7:00 pm to 10 pm in either a two or three hour segment. No alcohol will be served after 10:00 pm with a last call approximately 15 minutes prior to that. Also we expect that patrons will not loiter after those hours. We profess that our hours will not lead a late crowd that may cause disturbances in the neighborhood.

Pinot's Palette will make every effort to be a good business member in our community and neighborhood. We intend to operate in a manner that will compliment, not disrupt our surrounding neighbors.

Sincerely,



Eben R. Marsh