

File No. 150599

Committee Item No. 1

Board Item No. 23

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Public Safety & Neighborhood Services Date October 15, 2015

Board of Supervisors Meeting Date October 27, 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 |
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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 |
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OTHER (Use back side if additional space is needed)

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Completed by: Derek Evans Date October 9, 2015

Completed by: Erica Major Date October 23, 2015

1 [Liquor License - 745 O'Farrell Street]

2
3 **Resolution determining that the issuance of a Type 42 on-sale beer and wine**
4 **license to Cuong Thanh Tran for Key Tran, Inc., dba King Kong Bida, located at**
5 **745 O'Farrell Street (District 6), 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, Cuong Thanh Tran is seeking the issuance of a Type 42 on-sale
12 beer and wine license for Key Tran, Inc., dba King Kong Bida located at 745 O'Farrell
13 Street (District 6); 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 two (2) letters
17 of 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) Sales, service, and consumption of alcoholic beverages shall be permitted
22 only between the hours of 11:00 a.m. and 11:00 p.m. daily; 2) the sale of alcoholic
23 beverages for off-sale is strictly prohibited; 3) petitioner shall prove sufficient security
24 personnel who shall be readily identifiable as premises' security personnel to facilitate
25 the orderly conduct of patrons each day of the week until one-half hour past the

1 cessation of the sales, service and consumption of alcoholic beverages; 4) no noise
2 shall be audible beyond the area under the control of the licensee(s) as defined on the
3 ABC-257; 5) the petitioner(s) shall be responsible for maintaining free of litter the area
4 adjacent to the premises over which they have control; 6) loitering (defined as "to stand
5 idly about; linger aimlessly without lawful business") is prohibited on any sidewalks or
6 property adjacent to the licensed premises under the control of the licensee; 7) graffiti
7 shall be removed from the premises and all parking lots under the control of the
8 licensee within 72 hours of application. If the graffiti occurs on a Friday or weekend
9 day, or a holiday, the licensee shall remove the graffiti within 72 hours following the
10 beginning of the next weekday; 8) the interior lighting maintained therein shall be
11 sufficient to make easily discernable the appearance and conduct of all persons and
12 patrons in that portion of the premises where alcoholic beverages are sold, served,
13 delivered or consumed; 9) the exterior of the premises shall be equipped with lighting of
14 sufficient power to illuminate and make easily discernable the appearance and conduct
15 of all persons on or about the premises. Additionally, the position of such lighting shall
16 not disturb the normal privacy and use of neighboring residences; and 10) petitioner
17 shall not make structural changes in the premises interior without prior written approval
18 from the Department; now, therefore, be it

19 RESOLVED, That in accordance with California Business and Professions Code,
20 Section 23958.4, the Board of Supervisors of the City and County of San Francisco
21 hereby determines that the issuance of a Type 42 on-sale beer and wine license to
22 Cuong Thanh Tran for Key Tran, Inc., dba King Kong Bida, located at 745 O'Farrell
23 Street (District 6), will serve the public convenience or necessity of the City and County
24 of San Francisco; and, be it

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

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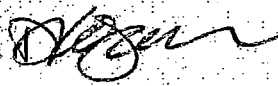
San Francisco Police Department
ABC Liaison Unit



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 Julie Christensen

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

Date: August 14, 2015

Subject: P.C.N. Investigation Regarding: Cuong Thanh Tran
DBA: King Kong Bida
745 O'Farrell Street

Mr. Cuong Tran on behalf of King Kong Bida has filed an application with the California Department of Alcoholic Beverage Control seeking a Type 42- (On-Sale beer and Wine) License for 745 O'Farrell Street located between (Hyde St and Larkin St.)
Hours of Operation:

Daily 11 a.m. - 11 p.m.

Digest:

King Kong Bida currently operates as a billiard parlor. If approved, this license will allow King Kong Bida to sell On-Sale Beer and Wine at this premises.

Letters of Protest:

No Record

Letters of Support:

2- Letter Support

Police Calls for Service:

From April 2014 to April 2015

1

Police Reports:

From April 2014 to April 2015

0

San Francisco Plot Information:

This premise is located in Plot 548

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

This plot had 300 police reports for 2013, which is 202 over the Citywide "High Crime" average.

State Census Tract Information:

This premise is located in Census Tract 122.01

Population for this tract is: 4,567

On-sale license authorized by census tract: 15

Active on-sale licenses: 19 with 0 pending

Off-sale licenses authorized by census tract: 4

Active off-sale licenses: 4 with 0 pending

Departmental Recommendation:

Points of consideration: **1- Sergeant John Macaulay Park- 335 feet**

No opposition from **Tenderloin**

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

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

0 - Record of protest.

2 - Record of support.

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

Conditions for Type 42 On Sale Beer and Wine Public

1. Sales, service, and consumption of alcoholic beverages shall be permitted only between the hours of 11:00 a.m. and 11:00 p.m. daily.
2. The sale of alcoholic beverages for off-sale is strictly prohibited
3. Petitioner shall provide sufficient security personnel who shall be readily identifiable as premises' security personnel to facilitate the orderly conduct of patrons each day of the week until one-half hour past the cessation of the sales, service and consumption of alcoholic beverages.
4. No noise shall be audible beyond the area under the control of the licensee(s) as defined on the ABC-257
5. The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
6. 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.
7. 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 with 72 hours following the beginning of the next weekday.
8. 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.

9. 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.
10. Petitioner shall not make structural changes in the premises interior without prior written approval from the Department.

End

745 O'Farrell St
(calls specific)

Incident No	CAD	Incident Type	Reported Date	Call Type	District	Priority	Address
	15122255	INTOXICATION	5/2/15 16:19	N/A	Southern	N/A	745 O'Farrell St

Total calls:

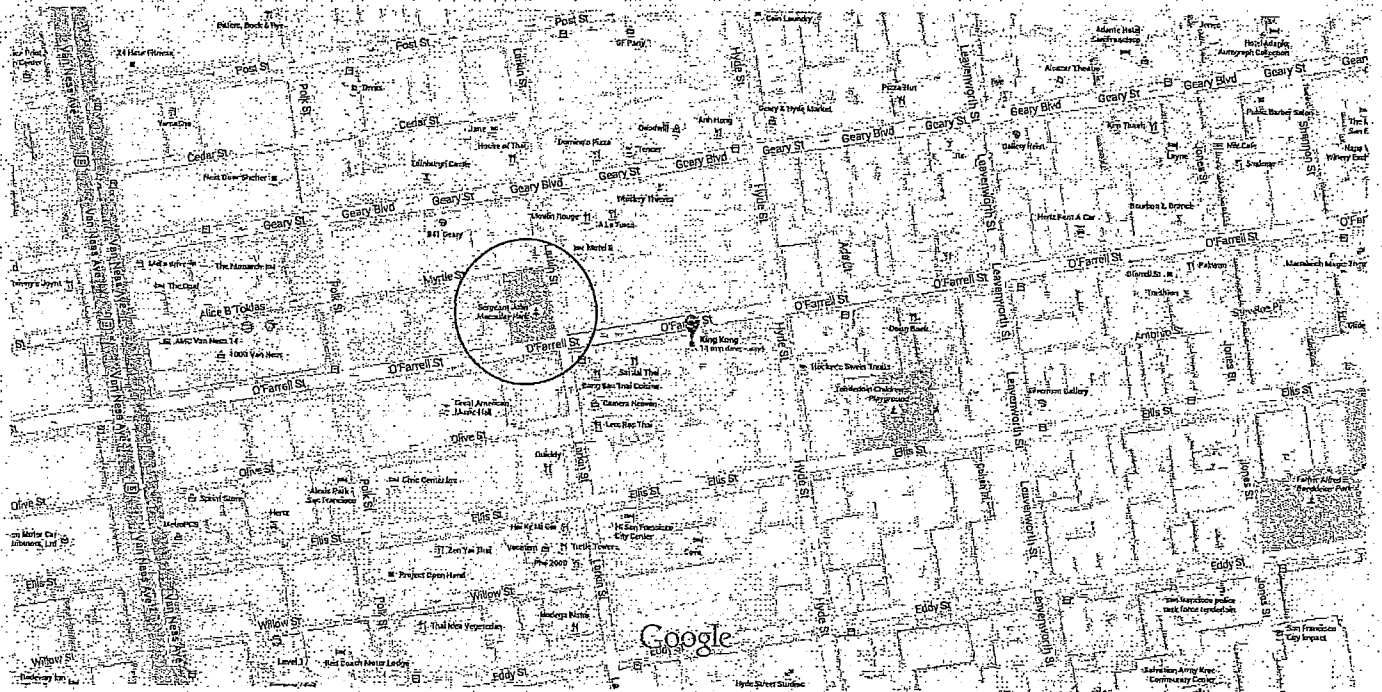
1

8/14/2015

King Kong - Google Maps



Google King Kong



Map data ©2015 Google 100 ft

<https://www.google.com/maps/place/King+Kong/@37.7851495,-122.4169553,18z/data=!4m2!3m1!1s0x8085809122885669:0x515bd9ef17405208>

5/29/2015

745 O'Farrell St - Google Maps

749 O'Farrell St
San Francisco, California
Street View - Feb 2015



Image capture: Feb 2015 © 2015 Google

<https://www.google.com/maps/place/745+O'Farrell+St,+San+Francisco,+CA+94109/@37.7853,-122.417081,3a,32.8y,156.98h,85.8t/data=!3m4!1e1!3m2!1szX1sMfqm0CpMClpOjFBXOQ!2e1!4m7!1m4!3m3!1e0y8...> 1/1

AB



LIQUOR LICENSE REVIEW

TO: Planning Department **File:** 150599
 AnMarie Rodgers/CTYPLN/SFGOV
 Georgia Powell/CTYPLN/SFGOV@SFGOV
 Fax No.: 558-6409

Block/lot: 0321/036

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

Zoning: RC-4

Quad: NE

Record # 2015-007141 MIS

DATE: June 5, 2015

This item is tentatively scheduled to be heard in four to six weeks.
PLEASE EMAIL YOUR RESPONSE BY: July 9, 2015, to Derek Evans, Clerk,
 Public Safety and Neighborhood Services Committee.
Derek.Evans@sfgov.org - Fax No: 554-7714

Applicant Name: Cuong Thanh Tran
and Business Name: King Kong Bida
 (745 O'Farrell Street)

Applicant Address: 745 O'Farrell Street
 San Francisco, CA 94109
and Phone No. (415) 341-3619

PLANNING COMMENTS: Approval Denial
 TYPE 42 ABC LICENSE IS APPROVED IN AN RC-4 ZONING DISTRICT
 PURSUANT TO PLANNING CODE SECTION 209.3

ANNE BRASK ANNE BRASK 6/17/2015 415 575 9078

POLICE COMMENTS: Approval Denial

KEY TRAN, INC DBA KING KONG BIDA

745 O'Farrell Street
San Francisco, CA 94109
Phone (415) 341.3619
Cuongthran@gmail.com

June 3, 2015

Clerk of the Board
San Francisco Police Department
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
JUN 5 AM 9:12

Re: ABC Type 42 License Application
Key Kong Bida (Café)

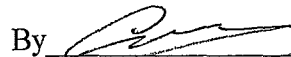
Dear Sir or Madame:

Please find enclosed a copy of the ABC Public Convenience or Necessity resolution request. We are taking this proactive approach with your office to avert and ameliorate any issues that the city may have with our application for a Beer and Wine license to better serve our patrons and the community.

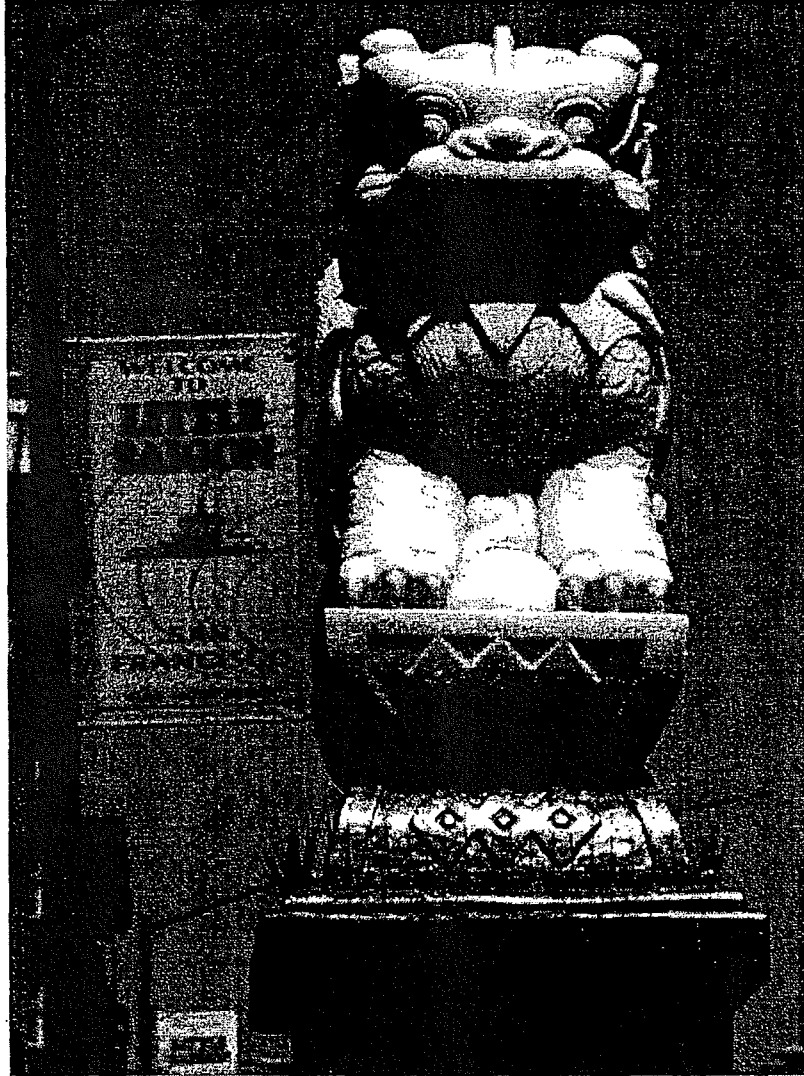
I have been a business man in the Little Saigon area for almost two decades. I have never had a problem the law enforcement. I have proactively in both of my business dealt with the homeless problem in the Little Saigon area and made sure that any ongoing criminal activity did not take place around my business for the my and my patrons protection. I have been successful in theses efforts for almost 20 years and will remain so.

The was a concern dealing with the ABC 'undue concentration' of licenses. I ask that you review our proposal to the City for our response to that issue. We are a fixture in the community had our patrons reflect that changing demographic. We MUST keep pace with this change in the Little Saigon area and need to have the Beer and Wine license to compete and survive. Our business has and will continue to function as a community meeting place for the Vietnamese community and all other diversity in the Tenderloin / Little Saigon neighborhood. We hope that we can have the support of the Board in our efforts to stay relevant in this changing business environment. Thanks in advance.

Respectfully,
Key Tran, Inc. DBA King Kong Bida

By , Cuong Tran, CEO

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KING KONG BIDA (CAFÉ) 'S
San Francisco's Historical
Little Saigon

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San Francisco's Little Saigon's Oldest and ONLY Community Billiards Hall

Key Tran, Inc.
DBA King Kong Bida (Café)
745 O'Farrell Street
San Francisco, CA 94109
415. 341.3619

CALIFORNIA ALCOHOL BEVERAGE CONTROL AND
SAN FRANCISCO BOARD OF SUPERVISORS
District 6 - Jane Kim Supervisor
Via Clerk of the Board
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

**AFFIDAVIT IN SUPPORT OF
KEY TRAN, INC DBA KING KONG BIDA (CAFÉ) NEW TYPE 42 - ON SALE
BEER AND WINE LICENSE APPLICATION WITH THE CALIFORNIA
ALCOHOL BEVERAGE CONTROL**

**PUBLIC CONVENIENCE OR NECESSITY RESOLUTION REQUEST
(PC-N) AND POSTIVE ABC DETERMINATION**

INTRODUCTION

I, Cuong Thanh Tran, is the majority stock holder of Key Tran, Inc. formed on March 30, 2015 for the purpose of a business model change for the operation and ownership of King Kong Bida (Café) (Bida is Vietnamese for Café) - Little Saigon's Oldest and ONLY Vietnamese owned and operated Billiard Parlor. I am the principal in the application of Key Tran, Inc for a new ABC license type 42 to be located at 745 O'Farrell, San Francisco, CA 94109. Key Tran, Inc. is a Delaware general corporation authorized to do business in the State of California stated in **Exhibit A**.

This affidavit and supporting materials are in support of the issuance of a determination that King Kong Bida (Café) severs a major community resources for the Tenderloin/Little Saigon Neighborhood and is Public Convenience AND Necessity for

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that neighborhood, in the full spirit that the San Francisco Board of Supervisors expressed when they gave the area the designation of 'Little Saigon' in honor the over 10,000 Vietnamese immigrants that live in the area. King Kong Bida (Café) and its owner has been in business in the neighborhood providing services to the Vietnamese community, economic benefit and a businesses that has gone WITHOUT any law enforcement problems for over 25 years. In light of the new influx of young 'techies' from Google, Uber, FaceBook, Yahoo, AirBnB, and many other new industries in the city the Tenderloin/Little Saigon is in need of a recreational space that is not a restaurant.

A community recreational space that will allow for money to be spent in the businesses WITHIN the Supervisor District 6 and not carried away to the other area of the city. King Kong Bida (Café) serves as a community resource on a daily basis the need of the original Vietnamese community of at least two generations that patronize the facility and utilize the business space as a community meeting area whose numbers exceed that of the nearby official Vietnamese Community Center.

King Kong Bida (Café) is also fast becoming the recreational space of choice for the younger 21 to 30 year old new emigrants to San Francisco that work in the tech industry and live in the Tenderloin/Little Saigon Area. These new patrons have expressed a desire to have a place close by home to play pool, talk with friends and relax. They have indicated that the addition of Beer and Wine at King Kong Bida (Café) would be an added incentive to increase their patronage and their economic investment in District 6 and Little Saigon. As an added benefit, the owner, Cuong Tran has been told often they ,

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the younger new patrons feel safer in King Kong Bida (Café) at night and during the day due to the fact that 'NO DRUG DEALING OR LOITTERS HANGING OUT IN OR NEAR THE BUSINESS AT ANYTIME'. This safe environment has been the hallmark of the owner ship of the businesses owned by Cuong Tran over the two decades in the area.

The fact that the area of Little Saigon has been changing drastically over the last 5 years with new eateries opening up and other closing down or changing hands and there is NO LIMIT as to the number of beer and wine licenses that may be granted in an area by state law nor regulation (**Exhibit B**) and that there are NO ABC Type 42 licenses in the coverage area near the King Kong Bida (Café) (**Exhibit C**). Coupled with the fact that King Kong Bida has been in business without incident for almost 20 years and has been owned and operated continually by a Vietnamese immigrant that has invested in the Tenderloin/Little Saigon community and District 6 with two successful crime free businesses the public convenience is apparent. When the San Francisco Supervisors formed the Little Saigon area their goal was to preserve the community spirit of the Vietnamese inhabitants of the time which add to the overall character of the City. (**Exhibit D**). The new and old residents of the area are in need of more that a Vietnamese place to eat, they also express an need for a place to relax and meet friends while enjoying a beer or glass of wine - that is what King Kong Bida (Café) hopes to bring to Little Saigon.

Cuong Tran has already successfully held a ABC Beer and Wine license without

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incident nor law enforcement assistance at this former business *Sao Bien Restaurant* located near the entrance to Little Saigon at 701 Larkin Street (**Exhibit E**). That business was owned and operated by Mr. Tran for almost four years when he sold it and the license was transferred to the new owners who still hold the Beer and Wine License. As with King Kong Bida (Café), the location was extremely secure for patrons and Mr. Tran, working with the community adhered to all ABC regulations, especially, Section 25612.5 of the California Business and Professions Code. Mr. Tran's former business worked closely with ABC's Retail Operation Standards Task Force (ROSTF) Guidelines. Key Tran, Inc will continue this cooperation with ABC and all relevant agencies. (**Exhibit F**).

In support of granting a favorable PC-N determination on the ABC license, I submit the following:

1. The application sections of the California Code Regulations state:
23958.4. (a) *For purposes of Section 23958, "undue concentration" means the case in which the applicant premises for an original or premises-to-premises transfer of any retail license are located in an area where any of the following conditions exist:*

(1) The applicant premises are located in a crime reporting district that has a 20 percent greater number of reported crimes, as defined in subdivision (c), than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency.

(2) As to on-sale retail license applications, the ratio of on-sale retail licenses to

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population in the census tract or census division in which the applicant premises are located exceeds the ratio of on-sale retail licenses to population in the county in which the applicant premises are located.

(2) *With respect to any other license, if 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. The 90-day period shall commence upon receipt by the local governing body of (A) notification by the department of an application for licensure, or (B) a completed application according to local requirements, if any, whichever is later.*

If the local governing body, or its designated subordinate officer or body, does not make a determination within the 90-day period, then the department may issue a license if the applicant shows the department that public convenience or necessity would be served by the issuance. In making its determination, the department shall not attribute any weight to the failure of the local governing body, or its designated subordinate officer or body, to make a determination regarding public convenience or necessity within the 90-day period.

(c) *For purposes of this section, the following definitions shall apply:*

(1) *"Reporting districts" means geographical areas within the boundaries of a single governmental entity (city or the unincorporated area of a county) that are identified by*

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the local law enforcement agency in the compilation and maintenance of statistical information on reported crimes and arrests.

(2) "Reported crimes" means the most recent yearly compilation by the local law enforcement agency of reported offenses of criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny, theft, and motor vehicle theft, combined with all arrests for other crimes, both felonies and misdemeanors, except traffic citations.

(3) "Population within the census tract or census division" means the population as determined by the most recent United States decennial or special census. The population determination shall not operate to prevent an applicant from establishing that an increase of resident population has occurred within the census tract or census division.

(4) "Population in the county" shall be determined by the annual population estimate for California counties published by the Population Research Unit of the Department of Finance.

(e) The enactment of this section shall not affect any existing rights of any holder of a retail license issued before April 29, 1992, whose premises were destroyed or rendered unusable as a result of the civil disturbances occurring in Los Angeles from April 29 to May 2, 1992, to reopen and operate those licensed premises.

(f) This section shall not apply if the premises have been licensed and operated with the same type license within 90 days of the application.

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**HISTORICAL PROSPECTIVE OF PC-N, ANALYSIS OF THE DATA AND
AREA AROUND KING KONG BIDA (CAFÉ) LOCATED AT 745 O'FARRELL
STREET, IN RELATION TO CRIME DATA, LICENSES CONCENTRATION,
NEIGHBORING CENSUS TRACTS AND OTHER SAN FRANCISCO
SUPERVISOR DISTRICTS.**

HISTORICAL PRESPECTIVE:

The California Council on Alcohol Policy that advises state entities publication stated in 2006, in part;

“...Public Convenience or Necessity Legislation:

In 1994, the California legislature enacted AB 2897 (Caldera). Business and Professions Code § 23958.4 (<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=bpc&group=23001-24000&file=23950-23962>) now prohibits the issuance of new alcohol retail licenses in any area that has an undue concentration of alcohol outlets unless a determination is made that the license would serve public convenience or necessity. The determination of “public convenience or necessity” is either made by the ABC or by a local governing body, depending on the license type. Undue concentration was redefined in this legislation. Subsection (a) of the code defines “undue concentration” in two specific ways:

- 1) *Excess Crime - Excess Uniform Crime Reporting (UCR) Part 1 crimes (> 20%) reported within the crime reporting district (similar to the prior definition in law)*

OR

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2) *Ratios (X number of licenses per X number of residents) A higher alcohol license/population ratio within the census tract/division than the county alcohol license population ratio...."*

It is well known that the enactment of this legislation was in direct response to the then recent Los Angeles riots in South Central Los Angeles after the Rodney King beating by Los Angeles Police Department. In South Central Los Angeles there were more than three liquor stores to a block in the area owned by mostly Korean owners. Somehow the legislature felt that limiting the number of liquor licenses would curtail what is now called police violence. The intent was stated as to lessen crime around the establishments that sold liquor and limit those establishments. In South Central the license types were mostly Off Sale licenses of 'hard liquor' eating establishments did not have a significant number of beer and wine licenses at the time (ABC license Query System data, retrieved 5/30/3015).

ANALYSIS OF THE DATA AND AREA AROUND KING KONG BIDA (CAFÉ)
LOCATED AT 745 O'FARRELL STREET, IN RELATION TO CRIME DATA

Key Tran, Inc submit that the intent of the legislature and the actual legislation does not negate granting a license to King Kong Bida (Café) on the basis of 'undue concentration' of license type 42 - Beer and Wine only on O'Farrell street between Hyde and Larkin. Further, the well meaning of the legislature to curtail violent crime in cities does not lean itself to the Little Saigon Area of San Francisco, where only ONE intersection of the neighborhood (Southwest and North East corners of Larkin and

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O'Farrell) where there is open drug selling by what appears to be illegal aliens and in front of a **Off-Sale license establishment. NO, eating establishments has such a problem and there do not exist at this time ANY type 42 on-sale license in the neighborhood** (ABC License Query Data, Retrieved 6/1/2015) (SF Police Department crime Statistics - 2014) (Beyond Cron/San Francisco's Outdated Police Districts Hamper Anti-crime efforts, Randy Shaw, 2013. Retrieved from <Http://www.beyoundchron.org/>).

Key Tran, Inc and King Kong Bida (Café) does not feel that its license application should be penalized for what appears to be confusion about the law enforcement necessary or lack thereof on the aforementioned intersection where open drug dealing exist. The larking street area, which is part of Little Saigon, is or was not in the Tenderloin Police District as seen in the Figure 1 below. Hopefully, that problem which has existed since 1980 has or will be corrected. Nevertheless, the **ONLY** significant crime in the area within 500 feet of King Kong Bida (Café) is that that is stem from this uncontrolled law enforcement problem and NOT the ABC license holders in the area.

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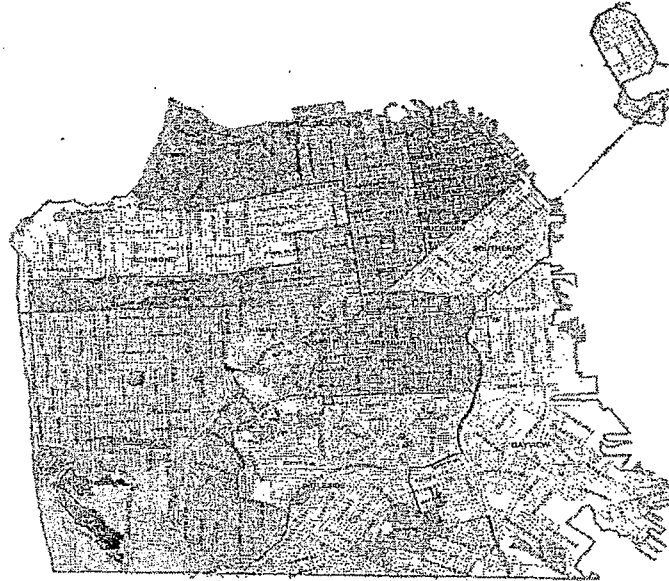


Figure 1 - San Francisco Police District Map -
<http://sf-police.org/modules/showimage.aspx?imageid=11445>

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LICENSES CONCENTRATION
NEIGHBORING CENSUS TRACTS IN SAN FRANCISCO SUPERVISOR
DISTRICT 6



Figure 2 - SF Supervisor District 6

http://farm3.staticflickr.com/2879/9488555535_40c793b879_b.jpg

king Kong Bida (Café) is located in the San Francisco Supervisor District 6 shown above in Figure 2. The district is represented by Supervisor Jane Kim. The map also shows that this district also includes the full Tenderloin Neighborhood, the Downtown South Of Market and most of the South Beach and China Basin areas. These are the fastest growing neighborhoods in the entire City of San Francisco. This is also the largest concentration of ABC Licenses Type 42 and other On and Off Sale licenses. This can only be expected with 10,000s of new residents have been and continue to be brought into the District with the location of Tech and Internet business including Google, Yahoo, AirBnB, Intel, Uber and so on. These business and new residents bring

Key Tran, Inc DBA King Kong Bida (Café) -
 San Francisco's Little Saigon's Oldest and ONLY Community Billiards Hall

much needed revenue to the city and higher rents.

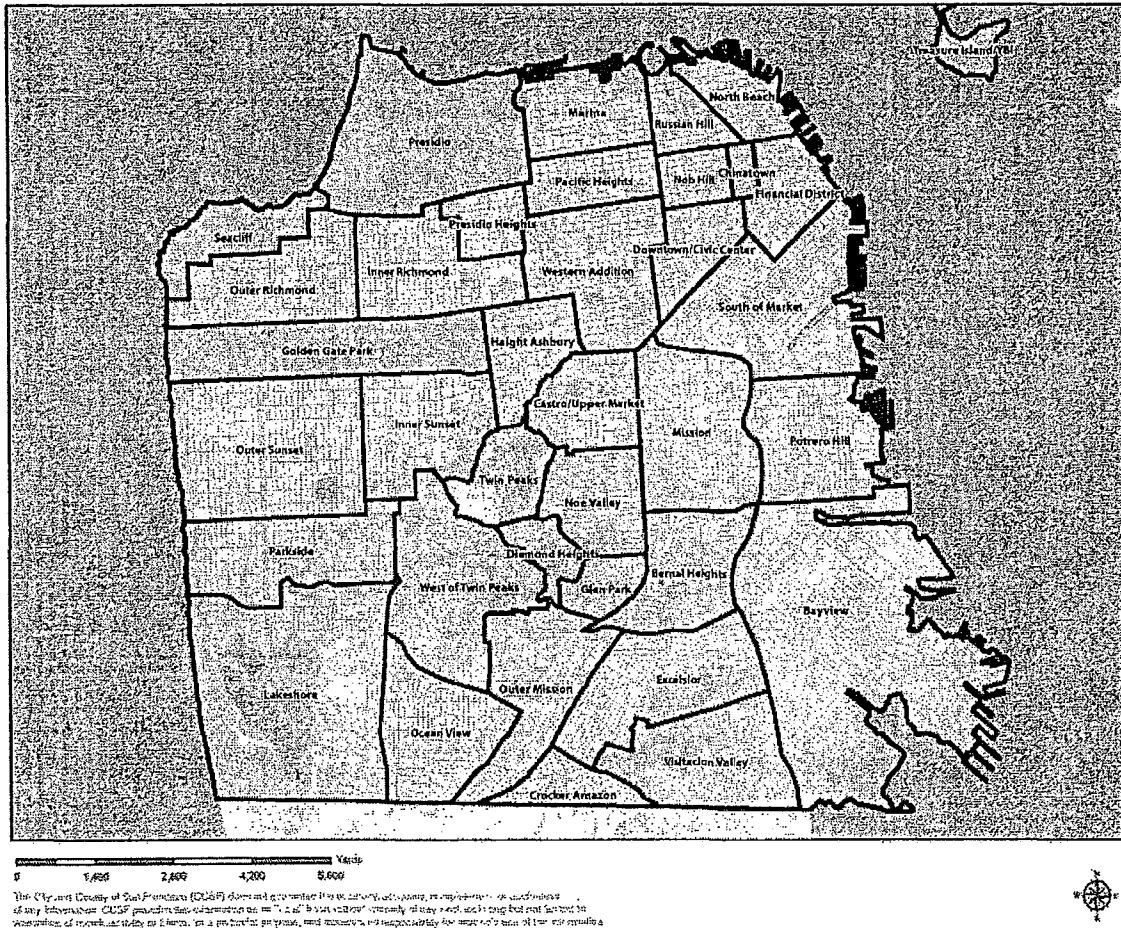


Figure 3 - San Francisco Neighborhoods

<http://mapsof.net/uploads/static-maps/districts map of San Francisco.jpg>

This two edge sword means that businesses such as King Kong Bida must revise their business plan to meet the needs of the new patrons. Beer and Wine while playing pool at a billiard hall on the Embarcadero or on in the Metreon on 4th and Howard has the same needs to survive as one in the Little Saigon neighborhood with the same growing pains. King Kong Bida also has the same influx of new residents surrounding it businesses and must update its business model for the 21st century. Patrons are demanding beer and

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wine in their own little 'neighborhood pool community place. They wish to spend their money across the street from their homes in Little Saigon - than to travel down to the other areas of the city to relax after work. Granted other neighborhoods are more affluent than the Tenderloin/Little Saigon area but that is changing fast with one bed room rents over \$2500 on O'Farrell Street between Polk and Jones Streets. The demographic changes threaten the historical culture of the neighborhood and District 6 but Key Tran, Inc and King King Bida (Café) with the issuance of a ABC Type 42 Beer and Wine License which will make it possible to remain open for another 20 years or more to serve this diverse historical Tenderloin community.

CENSUS TRACT ANALYSIS

Exhibit G attached shows demonstrates the number and concentration in a **macro view** of the area of District 6 that has been issued ABC license of varying types, however, a closer look at the licensed east of Van Ness Ave. and south of Geary will uncover limited if any Type 42 licenses such as the one being sought by King King Bida (Café). (California ABC - License Query System, 6/2015) **Exhibit C** give a **much clearer micro view of the area around King Kong Bida (Café)**. (California ABC - License Query System, 6/2015) The adage of can't see the trees for the forest applies here. On the ABC form 245 there are loads of numbers that seem to not mean very much to an untrained eye. However, a closer look shows that there are NO Type 42 licenses in the Census tract areas adjacent or near King Kong Bida. On the block itself there are NO Type 42 licenses. There are two eating establishments, two longtime bars and two type 48

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convenience stores nearby. Only ONE of those stores has a crime problem outside of the store due to lack of enforcement of the drug dealing on Larkin an O'Farrell aforementioned. IT SHOULD BE NOTED THAT THERE IS NO DRUG DEALING WITH THE MIDDLE TO THE END OF OUR BLOCK ON WITHIN 1000 FEET OF OUR BUSINESS. This includes Ellis, Hyde, Polk and Geary Streets to any significant degree. When the drug dealers see a police care approaching and 'if they want to move' they walk up the street a short distance until the police passes.

ABC form 245 attached states that there are "18 licenses existing in census tract 122.01". That is true if one looks at the stats alone. If one looks at the **Exhibit G** which depicts that census tract, one would see that of the 18 number 11 of those number are on Geary Boulevard which is NOT LOCATED in District 6 nor Little Saigon at all and should not impact any decision. Also, the form's statistical formula has been and still in under debate as to the proper way to use the basic 'formula' to calculate the real number of licenses allowed in a census tract. The legislation provides for this problem by giving the ABC the authority to grant any number of Beer and Wine license it wishes and put NO limit on that number . (*Public Convenience or Necessity Legislation:*

In 1994, the California legislature enacted AB 2897 (Caldera). Business and Professions Code § 23958.4 (<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=bpc&group=23001-24000&file=23950-23962>) now prohibits the issuance of new alcohol)

If one was to use the ABC form 245 calculations and interpret them strictly the City and County of San Francisco would not be allowed to have any new ABC licenses of

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any type granted within the city limits due to over "concentration" - the only neighborhood that would be able to secure ABC licenses would be China Basin, South Beach, SoMa and the many residential areas of the city such as the Sunset, Nob Hill and the like. Starbucks new licenses applications would have to be denied along with those being sought nearby the over 30,000 plus new residential units being built in the city. Section 23958.4 B&P rules should be fine tuned for those parts of the state that are experiencing growth such as Silicon Valley and San Francisco.

In short when looking at the area past some dry statistics suggested (not mandated) by the legislature that do not tell the real story of Little Saigon, there is NO concentration of license problem with this application and it should be granted. If it is the intention of the City of San Francisco to preserve the culture and historical aspects of Little Saigon and how best to do that than to allow a Vietnam immigrant businessman, Cuong Tran, to compete in the changing vibrant economy of the neighborhood honoring his countrymen.

ZOINING: The parcel on which King King Bida (Café) sits has been cleared by the City Planning Department for the intended use of on site beer and wine. **Exhibit H.**

CONCLUSION:

In summary, the influx of visitors to the city from the nation and internationally bring more and more to the Tenderloin and its hostels. King Kong Bida (Café has started a promotional campaign with hostels in the District 6 - Little Saigon neighborhood. The business is an excellent safe place for visitors to meet and interact with a cross section of

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the community and allows for economic benefit to the entire district.

The Northern California Hostels organization on their home page describes the Little Saigon this way "...The first time you take a stroll through the Tenderloin, the San Francisco neighborhood surrounding HI-City Center, you might feel a little disoriented: you thought you were in San Francisco, right? So what's with all the Vietnamese signs, restaurants, and markets? Dragon and HI logo Welcome to Little Saigon, a two-block stretch of Larkin Street, between Eddy and O'Farrell Streets, officially recognized by the city of San Francisco as a neighborhood with the same cultural significance as Chinatown or Japantown. The city gave Little Saigon its moniker a decade ago in recognition of the Tenderloin's active Vietnamese community and huge number of Vietnamese-owned businesses. Today, a pair of dragons sitting atop stone pillars greet visitors crossing the neighborhood's official threshold at Larkin and Eddy Streets. But Vietnamese culture in the neighborhood isn't limited to Little Saigon's technical boundaries. Venture past the dragons, duck through the Tenderloin's doorways, and amble along its streets, and you'll soon feel transported straight from San Francisco to Saigon...."

[http://www.norcalhostels.org/news/exploring-little-saigon-sfs-tenderloin-neighborhood.](http://www.norcalhostels.org/news/exploring-little-saigon-sfs-tenderloin-neighborhood)

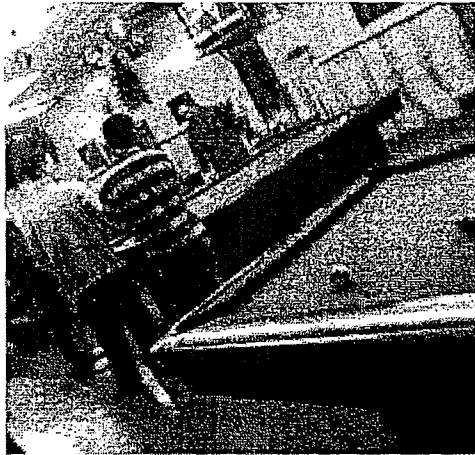
How best to complement that experience with a stop at the local Billiard/Café community hall - King Kong Bida (Café) owned and operated by a real Vietnamese immigrant (not a new transplant) and talk with fellow patrons from Vietnam whose life experiences could add a POSITIVE SAN FRANCISCO TENDERLOIN/LITTLE SAIGON VISITING EXPERIENCE. One that is sorely needed due to the increased

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homeless problems in the area.

Neighborhood support: Key Tran, Inc and Cuong Tran has received numerous verbal and written support communiqués from the surrounding community as result of the notifications sent to required radius **Exhibit I** include just two business letter of support received. The patrons of the business, who are also residents of the area are collecting signature in support of the ABC license application at this writing.

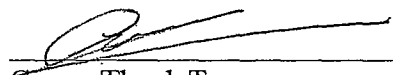
Key Tran, Inc, Cuong Tran and the patrons of King Kong Bida (Café) are confident that they meet and exceed all of the requirements of being granted a Public Convenience or Necessity resolution.



Respectfully Submitted'

Date: 6/3/15

Key Tran, Inc DBA King Kong Bida (Café)



Cuong Thanh Tran,
Chief Executive Officer and
Majority Stock Holder

Copy: Clerk SF Supervisor Key Tran, Inc. Board File CA-ABC SFPD

EXHIBIT A

State of California
Secretary of State

CERTIFICATE OF QUALIFICATION

I, ALEX PADILLA, Secretary of State of the State of California, hereby certify that on the 4th day of May, 2015, KEY TRAN, INC., a corporation organized and existing under the laws of Delaware, complied with the requirements of California law in effect on that date for the purpose of qualifying to transact intrastate business in the State of California, and that as of said date said corporation became and now is qualified and authorized to transact intrastate business in the State of California, subject however, to any licensing requirements otherwise imposed by the laws of this State.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of May 11, 2015.



A handwritten signature in black ink, appearing to read "Alex Padilla".

ALEX PADILLA
Secretary of State

Delaware

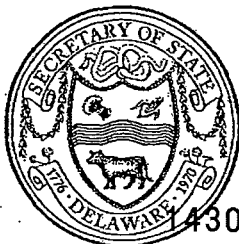
PAGE 1

The First State

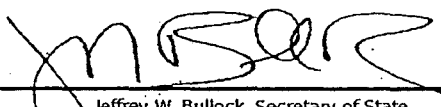
I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "KEY TRAN, INC." IS DULY INCORPORATED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL CORPORATE EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE TWENTY-FOURTH DAY OF APRIL, A.D. 2015.

5721644 8300

150563417



1430


Jeffrey W. Bullock, Secretary of State
AUTHENTICATION: 2322522

DATE: 04-24-15

1431

BUSINESS REGISTRATION CERTIFICATE

RENEW BY DATE
05-31-2015

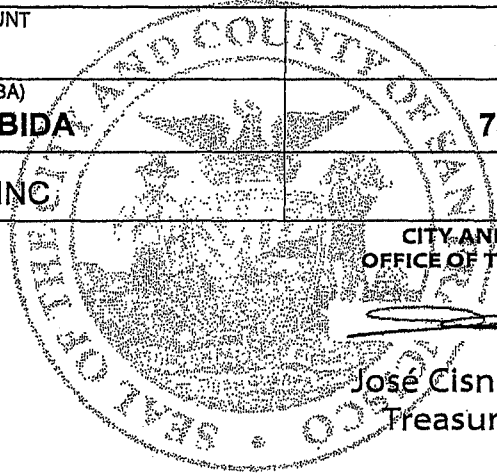
EXPIRATION DATE
06-30-2015

FY 2014-15

BUSINESS ACCOUNT 1012369	LOCATION ID 1025628-04-151
TRADE NAME (DBA) KING KONG BIDA	BUSINESS LOCATION 745 O'FARRELL ST
OWNERSHIP KEY TRAN INC	TAXPAYER SIGNATURE

POST CLEARLY VISIBLE AT THIS BUSINESS LOCATION

KEY TRAN INC
745 OFARRELL ST
SAN FRANCISCO CA 94109



CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE TREASURER & TAX COLLECTOR

[Signature]
José Cisneros
Treasurer

[Signature]
David Augustine
Tax Collector

Read reverse side. To update addresses or to close a business, go to www.sftreasurer.org and submit the Account Update form to our office.

EXHIBIT B

REGULATING RETAIL ALCOHOL OUTLETS IN CALIFORNIA: CHALLENGES AND OPPORTUNITIES

While the licensing and land use regulation of retail alcohol outlets in California is complex, local communities and their governments can exert some influence in newly proposed liquor license applications. However, perhaps the greatest challenge is curtailing the sheer number of retail alcohol licenses across the state. While many states place ceilings on the number of liquor licenses in a given community, California is still a state where on-sale beer and wine licenses enjoy no restrictions – see table below.

ordinance, your alcohol problems prevention efforts can be greatly aided by enacting such an ordinance. Additional resources include: <http://health.org/govpubs/PHD822/aar.aspx> and <http://resources.prev.org/documents/AlcoholViolenceGruenewald.pdf>.

“Public convenience or necessity” is an additional tool for local government and communities that directly ties them into the state liquor licensing process. Current state law limits the issuance of new licenses in geographical regions defined as high crime areas or in areas of “undue concentration” of retail alcohol outlets. However, the law also states

A CURRENT SNAPSHOT OF LIMITS IN RETAIL ALCOHOL AVAILABILITY -- CALIFORNIA

LICENSES	ON-SALE	OFF-SALE
Beer, Wine and Distilled Spirits (“General License”)	1 license for every 2,000 residents	1 license for every 2,500 residents
Beer and Wine Only	No state limit	1 license for every 2,500 residents or 1 license for every 1,250 residents when combined with off-sale general licenses

And because there is no state limit placed upon on-sale beer and wine licenses, communities will continue to see new applications filed with the Department of Alcoholic Beverage Control on a regular basis. Some localities have filled this vacuum by utilizing their local land use powers. Under state law, the ABC may not issue a liquor license if it violates an existing local zoning ordinance (CA Business & Professions Code 23790). Thus, to obtain a state liquor license, the applicant must first have all necessary local zoning permits in order. This statutory scheme gives real power to localities with strong zoning ordinances specific to retail alcohol outlets. When properly constructed and deployed, local zoning laws can be a very powerful tool. It is generally easier to be successful at policy change at the local level than at the state level. Check to see if your city or county has a strong zoning ordinance that directly regulates retail alcohol outlets (bars, restaurants, liquor stores, convenience stores). If your locality does not have such an

these restrictions can be sidestepped in specified circumstances when the state ABC or the local jurisdiction makes a determination that the applicant license proves that the proposed outlet would serve “public convenience or necessity” (PC or N). In other words, “public convenience and necessity” is demonstrated when the liquor license applicant proves that the business operation will provide some kind of benefit to the surrounding community. Thus, in addition to making local zoning decisions about alcohol outlet locations and operations, localities now have formal say into the state liquor license process when they actively utilize their authority to make PC or N determination.

Although this phrase “public convenience or necessity” had been embedded in the “undue concentration” statute well before the adoption of the PC or N law in 1994, neither the ABC Department nor local governing bodies has established definitive and uniform guidelines for defining and applying any version of the “public convenience or necessity” doctrine.

EXHIBIT C



CA.gov | Contact Us | Career Opportunities

HOME ABOUT US BUSINESS LAWS, RULES AND REGS E SERVICES OTHER

License Query System - Map Query

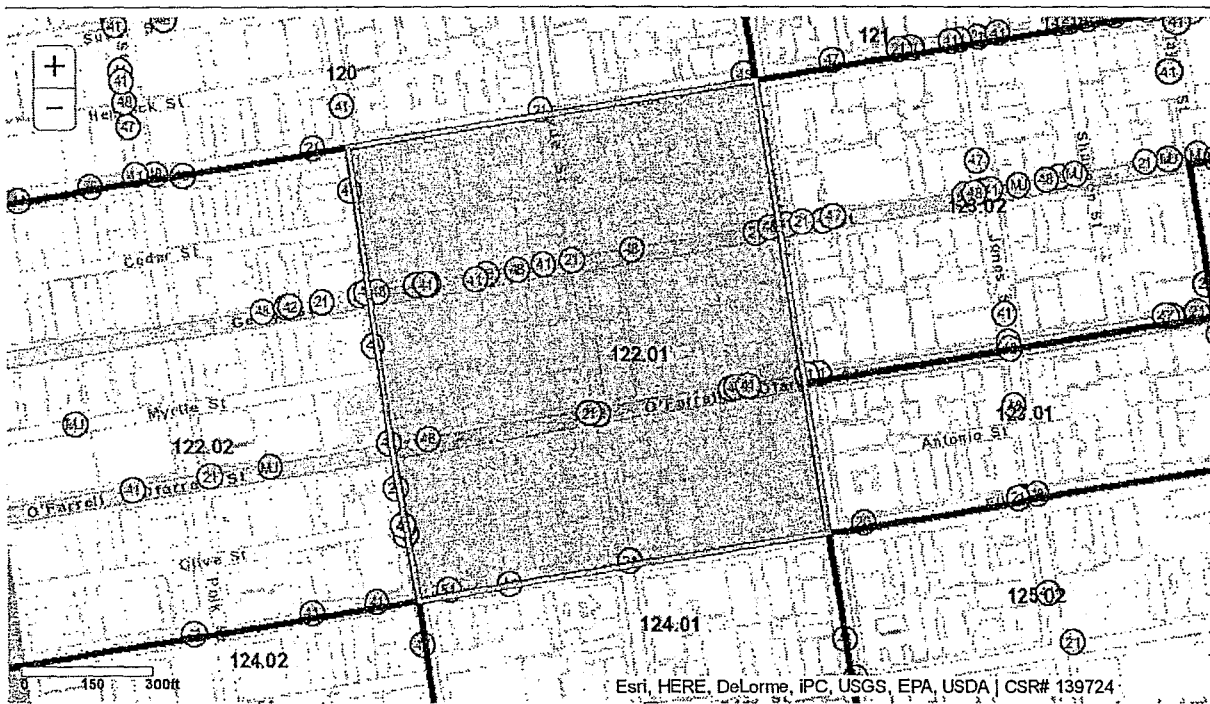
Search for a specific

License Number:

Or, locate a general area by entering:

Premises Address: 745 O'Farrell Street
 Census Tract: 122.01 City: SAN FRANCISCO

Search: Clear



Licenses on the map display the license type that is currently issued for it. In the event there is more than one license type issued, the code MU is displayed.

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EXHIBIT D



CITY & COUNTY OF SAN FRANCISCO

Board of Supervisors

September 16, 2003

City and County of San Francisco

Legislation Introduced
Including All Off-Calendar Items

September 16, 2003

OFF-AGENDA LEGISLATION

Ordinances

- 022031** **[Zoning Map Amendment]**
 Ordinance amending Section Maps 8 and 8SU of the Zoning Map of the City and County of San Francisco for the property described as Assessor's Block 3978, Lot 1, bounded by Rhode Island Street, 17th Street, Kansas Street and Mariposa Street, from M-1 (Light Industrial) to NC-3 (Moderate-Scale Neighborhood Commercial District) and the 17th and Rhode Island Street Grocery Store Special Use Subdistrict; adopting findings. Supervisor Maxwell presented. ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee. REFERRED TO DEPARTMENT. Transmitted to Planning Commission for public hearing and recommendation. TRANSFERRED to Land Use Committee. New committee structure 2/17/03. RESPONSE RECEIVED. Planning Commission Resolution No. 16631, adopted August 21, 2003, recommending approval. RESPONSE RECEIVED. Final Environmental Impact Report; Final Supplemental Environmental Impact Report. ASSIGNED to Land Use Committee. SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing a new title.
- 022032** **[17th and Rhode Island Street Grocery Store Special Use Subdistrict]**
 Ordinance amending the San Francisco Planning Code by adding Section 781.10 to create the 17th and Rhode Island Street Grocery Store Special Use Subdistrict, applicable to the newly rezoned NC-3 block (previously M-1) bounded by 17th Street, Rhode Island Street, Mariposa Street and Kansas Street (Assessor's Block 3978, Lot 1), to permit a neighborhood grocery store at 17th and Rhode Island and amending the Section 712 Zoning Control Table; adopting findings. Supervisor Maxwell presented. ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee. REFERRED TO DEPARTMENT. Transmitted to Planning Commission for public hearing and recommendation. TRANSFERRED to Land Use Committee. New committee structure 2/17/03. RESPONSE RECEIVED. Planning Commission Resolution No. 16632, adopted August 21, 2003, recommending approval, and amendment to Prohibit Nighttime Entertainment uses. RESPONSE RECEIVED. Final Environmental Impact Report; Final Supplemental Environmental Impact Report. ASSIGNED to Land Use Committee. SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing new title.
- 031545** **[Agreement to Exchange of Property and Settlement of Lawsuit - William F. Spiers dba Spiers Construction Company]**
 Ordinance authorizing an agreement to exchange vacant land uphill from Edgehill Park for the City's property on Portola Drive; adopting findings that the exchange agreement is categorically exempt from environmental review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of the exchange agreement; and authorizing settlement of the lawsuit entitled City and County of San Francisco v. William F. Spiers dba Spiers Construction Company, filed on November 29, 2001 in San Francisco Superior Court, Case No. 401-800, for an injunction requiring removal of Spiers' fence blocking access to Edgehill Park, for dismissal of Spiers' cross-complaint for quiet title, and for the exchange agreement. Supervisors Hall, Dufty presented. RECEIVED AND ASSIGNED to Rules

Committee.

- 031546** **[Requiring members of Veterans Affairs Commission to be honorably discharged veterans]**
Ordinance amending the San Francisco Administrative Code, Section 5.102, requiring that all members of the Veterans Affairs Commission be honorably discharged veterans from the armed forces of the United States of America as evidenced by a discharge sheet or other equivalent written evidence of honorable discharge, or be veterans discharged from the armed forces of the United States of America on account of sexual orientation. Supervisor Hall presented. RECEIVED AND ASSIGNED to Rules Committee.
- 031557** **[Underground District - Cow Hollow]**
Ordinance creating Underground District No. 360 in Cow Hollow. Supervisor Newsom presented. RECEIVED AND ASSIGNED to Land Use Committee.
- 031558** **[Cultural and Historical Facilities General Obligation Bonds]**
Ordinance determining and declaring that the public interest and necessity demand improvements in the City and County of San Francisco consisting of financing the acquisition, rehabilitation, renovation, improvement, construction or preservation of cultural and historical facilities owned by the City and County of San Francisco and paying all other costs necessary and convenient for effectuating those purposes, that the estimated cost of approximately \$267,000,000 for the improvements described above is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require incurring bonded indebtedness of \$71,000,000; finding that the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and the General Plan consistency requirement of Administrative Code Section 2A.53; waiving the time limits set forth in Sections 2.31 and Sections 2.34 of the Administrative Code. Supervisor Hall presented. RECEIVED AND ASSIGNED to Finance and Audits Committee.

Resolutions

- 031548** **[Purchase from the S.F. Unified School District of Real Property located at 380 Bacon St., San Francisco for the Public Library]**
Resolution authorizing the execution and performance of an Agreement of Purchase and Sale for Real Estate between the City and County of San Francisco and the San Francisco Unified School District (the "Seller" or "District"), for the purchase of real property and improvements located at 380 Bacon St., San Francisco (being a portion of Block 5983), for use as the Portola Branch Library of the San Francisco Public Library; adopting findings under the California Environmental Quality Act; and adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1. Mayor, Supervisor Ammiano presented. RECEIVED AND ASSIGNED to Finance and Audits Committee.
- 031549** **[Mixed-use development of affordable housing and a City office building at 10th and Market Streets]**
Resolution endorsing a term sheet describing the key terms and conditions of a mixed-use development project at 10th and Market Streets including affordable and market rate housing and a new City office building, and urging City staff to proceed with the preparation of agreements effectuating such a project. Supervisor Daly presented. RECEIVED AND ASSIGNED to Land Use Committee.
- 031551** **[Eminent Domain - Resolution of Necessity]**
Resolution authorizing acquisition of Lot 001 in Assessor's Block 0074 in San Francisco by Eminent Domain for the Neighborhood Park Bond and Open Space Programs, and adopting findings under City Planning Code Section 101.1. Supervisor Peskin presented. RECEIVED AND ASSIGNED to Board of Supervisors. SCHEDULED FOR PUBLIC HEARING. Board to sit as a Committee of the Whole on October 7, 2003, at 3:00 p.m.
- 031555** **[Immigrant Workers Freedom Ride]**
Resolution commending the Immigrant Workers Freedom Ride and the "March for Immigrant Rights" on September 20, 2003 in San Francisco, to send off the 106 Bay Area Riders on their historic journey for freedom and civil rights for all. Supervisor Daly presented. ADOPTED.
- 031556** **[Investigate the closure of Real Food Co. on 24th Street in Noe Valley]**
Resolution requesting NLRB, DBI and other appropriate agencies investigate the closure of Real Food Co. on 24th Street in Noe Valley. Supervisor Dufty presented. RECEIVED AND ASSIGNED to City Services Committee. Sponsor requests this item be scheduled for consideration at the September 25, 2003 meeting.
- 031566** **[Interim Controls Regulating Certain Industrially-Zoned Properties on Third Street Between Islais Creek and Paul Street]**
Resolution adopting interim controls that would subject the following properties on Third Street between Islais Creek and Paul Avenue, which are currently zoned M (Industrial), to the more restrictive controls of NC-3 (Moderate-Scale Neighborhood Commercial) for a period of twelve months: Assessor's Block 4501, Lots 001, 003, 004, and 005; Block 4881, Lots 012, 018, 022, and 024; Block 4912, Lot 006; Block 4940, Lots 012A, 012B, and 024; Block 5211, Lots 027 and 028; Block 5217, Lot 001; Block 5225, Lot 010; Block 5226, Lots 025, and 028; Block 5235, Lots 003 and 011; Block 5242, Lots 021, 022, 023, 024, and 042; Block 5253, Lots 003, 008, 029, 030, 031, 032, 033, and 034; Block 5260, Lots 001, 002, 003, 032, 034, 035 and 036; Block 5272, Lots 045 and 048; Block 5279, Lots 001, 002 and 003; Block 5414, Lots 005, 006, 007, 008, 025, 026, 027, 028, and 030; Block 5418, Lots 001, 002, and 010; Block 5419, Lots 006, 007, 007B, 007C, 009, 015, 016, 017, and 018; Block 5421, Lot 011; Block 5429, Lot 002; Block 5431A, Lots 001, 001M, 001U, 001V, and 004; adopting findings pursuant to Planning Code Section 101.1. Supervisor Maxwell presented. RECEIVED AND ASSIGNED to Land Use Committee.
- 031578** **[Acquisition of a New Voting System]**
Resolution encouraging the Department of Elections to issue a Request For Proposals for touch screen voting equipment that will accommodate Ranked Choice Voting. Supervisor Gonzalez presented. RECEIVED AND ASSIGNED to Rules Committee.
- 031570** **[Walk to School Day]**
Resolution declaring October 8, 2003 as "Walk Our Children to School Day" in the City and County of San Francisco. Supervisors Ma, Dufty presented. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 031571** **[Commending the Sunset District Neighborhood Coalition and the Sunset Artists' Society]**
Resolution commending the Sunset District Neighborhood Coalition and the Sunset Artists' Society for their work organizing the 9th Annual Sunset Community Festival. Supervisor Ma presented. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 031572** **[Latino Heritage Month]**
Resolution declaring September 2003 as "Latino Heritage Month" in the City and County of San Francisco. Supervisors Ma, Dufty presented. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 031577** **[STOP Intersection.]**

- Resolution designating the intersection of Alemany Boulevard and Lawrence Street as an all "STOP" intersection. Supervisor Newsom presented. RECEIVED AND ASSIGNED to Land Use Committee.
- 031579 [Mental Health Services Act]**
Resolution endorsing the California Mental Health Services Act Initiative for the November 2004 statewide ballot. Supervisor Ammiano presented. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 031580 [UC Berkeley Extension Photography Program]**
Resolution urging the UC Berkeley Extension to maintain a Photography Program and darkroom in San Francisco. Supervisor Ammiano presented. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 031581 [Supporting International Arts Festival 2005]**
Resolution supporting International Arts Festival 2005 in San Francisco, strategically promoting this important resource to potential partner governments from around the world to help stimulate economic activity, foster meaningful cultural exchange and develop more earned income opportunities for our artists. Supervisor Ammiano presented. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 031582 [Commending the 120th Anniversary of Immaculate Conception Academy]**
Resolution commending the 120th Anniversary of Immaculate Conception Academy for its dedicated mission of educating young San Franciscans and its contributions to the Mission District and greater City community. Supervisor Duffy presented. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 031583 [Commending SFPD Captain Michael Yalon]**
Resolution commending San Francisco Police Department Captain Michael Yalon. Supervisors Duffy, Ammiano, Daly, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval presented. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 031584 [Commending SFPD Captain Dan Lawson]**
Resolution commending San Francisco Police Department Captain Dan Lawson. Supervisors Duffy, Ammiano, Daly, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval presented. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 031585 [Establishment of Little Saigon in the Tenderloin]**
Resolution supporting the establishment of Little Saigon as a Vietnamese cultural and commercial center in the Tenderloin. Supervisor Daly presented. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 031586 [Mental Health Services Act]**
Resolution urging the voters of the State of California to pass the Mental Health Services Act. Supervisor Newsom presented. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 031587 [Clay and Arguello Streets]**
Resolution urging the Department of Parking and Traffic to paint the crosswalk running North to South on Arguello and place intersections at Clay crossing Arguello on the North side. Supervisor Newsom presented. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 031588 [Changing the name of Pardee Alley in North Beach to "Jack Micheline Place"]**
Resolution changing the name of Pardee Alley in North Beach to "Jack Micheline Place", in recognition of the late Jack Micheline's artistic contributions to the community of North Beach and the City of San Francisco. Supervisors Peskin, Gonzalez presented. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 031589 [Stop-Sign Designation - Greenwich and Powell Streets]**
Resolution urging the installation of four-way Stop signs at the intersection of Greenwich and Powell Streets. Supervisor Peskin presented. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 031590 [Extension of Planning Commission Review Period]**
Resolution extending for an additional 30 days the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the San Francisco Planning Code by creating section 608.15 to establish the Northeast Waterfront Special Sign District, creating Section 609.14 to address amortization of nonconforming signs in this District, amending Section 608 and Article 10, Appendix D, section 7 to be consistent with the Ordinance, amending the Zoning Map Section Map SSD-1 to show the boundaries of this District, and making findings of consistency with the General Plan and priority policies of Planning Code section 101.1. Supervisor Peskin presented. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 031591 [Opposing the Declawing of Cats]**
Resolution urging pet guardians and veterinarians to discontinue the practice of declawing cats in the City and County of San Francisco. Supervisor Sandoval presented. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 031592 [Commending San Francisco Conservation Corp]**
Resolution commending the San Francisco Conservation Corp for its 20 years of outstanding service to San Francisco. Supervisor Sandoval presented. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 031593 [Commending Richard Ironcloud and Armando Blackbear]**
Resolution commending Richard Ironcloud and Armando Blackbear for their swim across San Francisco Bay, highlighting the importance of healthy living. Supervisor Sandoval presented. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 031594 [Accept Federal Grant - fiscal year 2003 lead hazard reduction demonstration grant program]**
Resolution authorizing the Mayor of the City and County of San Francisco to accept a grant from the U.S. Department of Housing and Urban Development for lead-based paint hazard reduction in a total amount not to exceed \$4,000,000. Mayor presented. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Motions

- 031573 [Extending the San Francisco Zoo Audit Select Committee]**
Motion extending the San Francisco Zoo Audit Select Committee. Supervisor Ma presented. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 031540 [Needle Exchange Emergency]**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program. Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Duffy presented. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 031544 [Unfinished business from adjourned Board meetings to be scheduled for next regularly scheduled Board meeting]**
Motion amending the Rules of Order of the Board of Supervisors by adding Rule 3.14, which directs that when the Board of Supervisors adjourns a meeting of the Board and unfinished items of business remain on the agenda for the adjourned meeting, the Clerk of the Board of Supervisors shall reschedule those unfinished items of business for the agenda of the next regularly scheduled meeting of the Board. Supervisor Gonzalez presented. RECEIVED AND ASSIGNED to Rules Committee.
- 031550 [Public Hearing - Eminent Domain]**
Motion directing the Board of Supervisors to hold a public hearing on October 7, 2003, at 4:00 p.m. to consider adopting a resolution of necessity for the City's proposed acquisition by eminent domain for open space of Lot 001 in Assessor's Block 0074, in San Francisco. Supervisor Peskin presented. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING. Board to sit as a Committee of the Whole, to hold a public hearing on October 7, 2003, at 4:00 p.m.
- 031553 [Closed Session - Conference with City Attorney, Significant Exposure to Litigation against the City]**
Motion that the City Services Committee of the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the significant exposure to litigation against the City that may arise from the City's implementation of Proposition S, approved by the voters of the City and County of San Francisco at the November 5, 2002, consolidated general election, which Proposition declares the policy that various City officials explore the possibility of establishing a program whereby the City would grow medical cannabis and distribute it to patients attempting to exercise their rights under Proposition 215, California's Compassionate Use Act of 1996. Government Code Section 54956.9(b)(1) and San Francisco Administrative Code Section 67.10(d) permit this closed session. Supervisor Duffy presented. RECEIVED AND ASSIGNED to City Services Committee. Sponsor requests this item be calendared at the 9/25/03 meeting, closed session with the City Attorney.
- 031559 [Amending Domestic Partnership Requirements]**
Motion ordering submitted to the voters an ordinance authorizing and amending Chapter 62 of the Administrative Code by amending Section 62.1 to update the statement of purpose; repealing Section 62.3(c) to eliminate a residency requirement; adding Section 62.10(c) to authorize the Board of Supervisors to amend domestic partnership legislation; and adding Section 62.11 to add a severability provision at an election to be held on March 2, 2004. Supervisors Ammiano, Duffy presented. RECEIVED AND ASSIGNED to Rules Committee.
- 031568 [Calling from the Table Legislative Item 031361 (General Assistance - In-Kind Assistance; Department of Human Services Care Fund)]**
Motion calling from the table legislative item 031361 (General Assistance - In-Kind Assistance; Department of Human Services Care Fund) and directing the Clerk of the Board of Supervisors to place item 031361 (General Assistance - In-Kind Assistance; Department of Human Services Care Fund) on the calendar for the September 30th, 2003 meeting. Supervisor Newsom presented. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Request for Hearings

- 031552 [Hearing - Acquisition of Property by Eminent Domain]**
Hearing of persons interested in or objecting to proposed resolution authorizing acquisition of Lot 001 in Assessor's Block 0074 in San Francisco by Eminent Domain for the Neighborhood Park Bond and Open Space Programs, and adopting findings under City Planning Code Section 101.1. (Clerk of the Board) . SCHEDULED FOR PUBLIC HEARING. Board to sit as a Committee of the Whole on October 7, 2003, at 3:00 p.m.
- 031554 [Student Safety and Public Transportation]**
Hearing to review concerns and issues surrounding student safety and public transportation, with particular focus on transportation in the area surrounding Galileo High School and to make recommendations for future plans to ensure student safety. The hearing shall include, but not limited to, representatives from the SFUSD, Police Department, MUNI, the Youth Commission, concerned parents and other interested parties. Supervisor Ma presented. RECEIVED AND ASSIGNED to City Services Committee.
- 031563 [Department of Public Health's Report]**
Hearing to consider the Department of Public Health's report and recommendations regarding: Homeless Services for Individuals with Mental Health Diagnoses, Substance Abuse Diagnoses, or other Chronic Medical Conditions. Supervisor Ammiano presented. RECEIVED AND ASSIGNED to City Services Committee.
- 031564 [Budget Analyst's Management Audit of the Controller's Office.]**
Hearing to consider the Budget Analyst's Management Audit of the Controller's Office. Supervisor Hall presented. RECEIVED AND ASSIGNED to Finance and Audits Committee.
- 031565 [School District]**
Hearing to discuss the School District's 30-year effort to desegregate and make equitable public schools throughout the district. The discussion should include: 1) the successes and failures of past district policies including the 1993 racial caps on enrollment and the 1999 lawsuit settlement mandating racial integration without using race; 2) the current district policy of using a diversity index and whether this index is the only mechanism the City can utilize to be in compliance with the 1999 settlement; 3) the demographics of those who do not get their first choice school; and 4) disparities in quality of facilities, resources, etc. that exists in our school district and whether these disparities are giving rise to opposition to the diversity index. Supervisors Gonzalez, Ma presented. RECEIVED AND ASSIGNED to Rules Committee.
- 031595 [San Francisco Housing Study]**
Hearing to discuss the findings of the Residential Rent Stabilization and Arbitration Board's comprehensive San Francisco housing study authorized by City Ordinance 55-00. Supervisor Duffy presented. RECEIVED AND ASSIGNED to Land Use Committee.

Charter Amendments

- 031541 [Charter Amendment - Supplemental Compensation for Employees on Military Leave]**
Charter amendment (First Draft) to amend Section A8.400 (h) to allow for employees called to active duty to receive supplemental compensation for a period to be specified by ordinance. Supervisor Newsom presented. ASSIGNED UNDER 30 DAY RULE to Rules Committee.
- 031542 [Charter Amendment - Reclassify Deputy Sheriffs as Safety Employees Under Charter Section A8.590]**

Charter amendment (First Draft) to amend Sections A8.409 and A8.590 to reclassify Deputy Sheriffs as safety employees covered under the labor negotiation provisions set forth in Charter Section A8.590. Supervisors Ma, Daly, Dufty presented. ASSIGNED UNDER 30 DAY RULE to Rules Committee.

031543 [Charter Amendment - Police and Fire Negotiation Timelines]

Charter Amendment (First Draft) to amend Section A8.590 to provide for timelines for completion of Police and Fire negotiations identical to those already in place for other employee labor negotiations under Charter Section A8.409. Supervisor Gonzalez presented. ASSIGNED UNDER 30 DAY RULE to Rules Committee.

031547 [Charter Amendment - Tax-deferred transfer of accrued vacation, sick leave and other compensation to employees]

Charter amendment (First Draft) to add Section A8.599 to authorize the City and County to establish plans for the tax-deferred treatment of accrued compensation payable to employees. Supervisor Sandoval presented. ASSIGNED UNDER 30 DAY RULE to Rules Committee.

031560 [Draft Charter Amendment - City Engineer]

Draft Charter amendment to amend section 4.130 relating to the Department of Public Works and appointment of a City Engineer. Supervisor Ammiano presented. RECEIVED AND ASSIGNED to Rules Committee.

031561 [Charter Amendment - Allowing the City to reduce the minimum police staffing level after conducting a study of which positions could be filled by civilian personnel rather than sworn officers]

Charter amendment (First Draft) to amend Section 4.127 and to add Section 16.123, to: increase the minimum police staffing level by 188 officers to include Airport Police; provide for a study of which positions in the Police Department could be filled by civilian personnel rather than sworn officers; allow the City to reduce the minimum police staffing level for each position it converts from sworn to civilian, without decreasing the number of police officers dedicated to neighborhood community policing, patrol, and investigations; and, provide that no police officer shall be laid off in order to convert a position from sworn to civilian. Supervisor Ammiano presented. ASSIGNED UNDER 30 DAY RULE to Rules Committee.

031562 [Charter Amendment - Retirement System benefits for domestic partners]

Charter amendment (First Draft) to add Section A8.500-3 so that domestic partners are treated exactly the same as spouses for benefits under the Retirement System. Supervisors Ammiano, Dufty presented. ASSIGNED UNDER 30 DAY RULE to Rules Committee.

031567 [Draft Charter Amendment - San Francisco Department of Public Health]

Draft Charter Amendment to add Article VIII C, to provide additional fiscal authority to the Health Commission and require greater qualifications of Health Commissioners, designate universal healthcare as the Department's top advocacy priority, establish a baseline funding level for the Department of Public Health and for programs helping San Franciscans with chronic illnesses, guarantee the operation of county hospitals and clinics, establish levels for trauma care, guarantee culturally competent care through community-based primary care clinics, require operation of the Mental Health Rehabilitation Facility, streamline contracting bureaucracy, and establish pay equity for nonprofit and City workers performing similar jobs. Supervisors Daly, Gonzalez presented. RECEIVED AND ASSIGNED to Rules Committee.

031569 [Charter Amendment - Commission on Aging to Commission on Aging and Adult Services]

Charter amendment (First Draft) to amend Section 4.120 to change the name of the Commission on Aging to Commission on Aging and Adult Services. Supervisor Daly presented. ASSIGNED UNDER 30 DAY RULE to Rules Committee.

031574 [Charter Amendment - Board of Supervisors to respond to all orders or requests for the production of City records under designated state and federal laws]

Charter amendment (First Draft) to add Section 16.124 to authorize the Board of Supervisors to respond on behalf of the City to all orders or requests for the production of information, records, or other tangible things held by the City, the disclosure of which could violate the rights of any individuals under the State or Federal Constitutions, where the orders or requests are made under laws previously identified by the Board. Supervisor McGoldrick presented. ASSIGNED UNDER 30 DAY RULE to Rules Committee.

PROPOSED ORDINANCES

031490 [Angle Parking]

Ordinance amending San Francisco Traffic Code Sections 55 and 132 to prohibit any person from parking or standing a vehicle other than at the angle of the curb or edge of roadway indicated by signs or markings, and to provide for penalties. (Parking and Traffic Department) . RECEIVED AND ASSIGNED to Land Use Committee.

031515 [Settlement of Lawsuit - Jonathan Johnson]

Ordinance authorizing settlement of the lawsuit filed by Jonathan Johnson against the City and County of San Francisco for \$150,000; the lawsuit was filed on June 11, 2001 in San Francisco Superior Court, Case No. 322-080; entitled Jonathan Johnson, et al., v. City and County of San Francisco, et al; other material terms of said settlement are the waiver of the San Francisco General Hospital medical lien in the amount of \$29,281.37. (City Attorney) . RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

031444 [Contract funds for SFHIV Vaccine Clinical Trials Unit, 2003 to 2004]

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of \$405,101 with Public Health Foundation Enterprises Inc. (PHFE), the primary contractor, to fund the fourth year of the SFDPH portion for "San Francisco HIV Vaccine Clinical Trials", a unit of the HIV Vaccine Trials Network (HVTN); for the period of June 1, 2003 to May 31, 2004. (Public Health Department) Supervisor Dufty presented. RECEIVED AND ASSIGNED to City Services Committee. Department requests this item be scheduled at the September 18, 2003 meeting.

031453 [FY 2003-2004 State grant funds to the Department of Public Health from the California Department of Health Services]

Resolution authorizing the acceptance and expenditure of State recurring grant funds by the San Francisco Department of Public Health for FY 2003-2004. (Public Health Department) Supervisor Dufty presented. RECEIVED AND ASSIGNED to City Services Committee. Department requests this item be scheduled at the September 18, 2003 meeting.

031454 [Treatment of Latent Tuberculosis Infection in refugees newly arriving in San Francisco.]

Resolution authorizing the San Francisco Department of Public Health, Newcomers Health Program (SFDPH, Newcomers) to accept and expend retroactively a new continuing grant in the initial amount of \$45,000, from the State Department of Health Services, Refugee Health (DHS, RH) to improve treatment of Latent Tuberculosis Infection (LTBI) in refugees newly arriving in San Francisco; for the period of August 1, 2003, to June 30, 2004. (Public Health Department) Supervisor Dufty presented. RECEIVED AND ASSIGNED to City Services Committee. Department requests this item be scheduled for consideration at the September 18, 2003 meeting.

031489 [Emergency Repairs]

Resolution authorizing the expenditure of funds for emergency repairs of the Early Intake Switchback Road at Hetch Hetchy, at an estimated cost of \$2,000,000. (Public Utilities Commission) . RECEIVED AND ASSIGNED to Finance and Audits Committee. CONTINUED. Speakers: None. Continued to 9/24/03.

031493 [Accept-Expend Federal Grant]

Resolution authorizing the San Francisco Fire Department of to accept and expend a grant in the amount of \$211,975 from the Federal Emergency Management Agency (FEMA) to acquire 208 one-hour Self-Contained Breathing Apparatus (SCBA) Air Bottles, a mobile breathing air compressor unit, and a portable auxiliary communication repeater unit. (Fire Department) Supervisor Duffy presented. RECEIVED AND ASSIGNED to City Services Committee.

031494 [Contracting for Security Guard Services at 1680 Mission Street for fiscal year 2003-2004]

Resolution concurring retroactively with the Controller's determination that security guard services can practically be performed at the Bureaus of Construction Management and Engineering Offices at 1680 Mission Street by private contractor for a lower cost that if the services were performed by City employees. (Public Works Department) . RECEIVED AND ASSIGNED to Finance and Audits Committee.

031511 [Settlement of Claim - Eric M. Hansen]

Resolution approving the settlement of the unlitigated claim filed by Eric M. Hansen against San Francisco for \$52,500; claim was filed on October 8, 2002. (City Attorney) . RECEIVED AND ASSIGNED to Rules Committee.

031517 [Agreement to Sell 418-420 Jessie Street]

Resolution approving and authorizing an agreement with Martin McNerney Development, Inc. dba Martin Building Company, Inc. for the sale of real property consisting of a former fire station on the first and second floors and vacant warehouse space on the upper six floors, for a purchase price of \$2,900,000; finding that competitive bidding is impractical or impossible; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department) . RECEIVED AND ASSIGNED to Finance and Audits Committee.

031518 [Accept-Expend Federal Grant]

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$25,000 from the Environmental Protection Agency to provide training to municipal staff involved in construction and renovation of municipal buildings on Leadership in Energy and Environmental Design (LEEDTM) sustainable building standards and to develop a database to track municipal green building projects and their environmental benefits to the City and County of San Francisco. (Environment) Supervisor Duffy presented. RECEIVED AND ASSIGNED to City Services Committee.

031519 [Refugee County Plan]

Resolution approving the San Francisco Federal Fiscal Year 2003 Refugee County Plan. (Private Industry Council) . RECEIVED AND ASSIGNED to City Services Committee.

031525 [Agreement for Tolling of Statute of Limitations Governing Lawsuit]

Resolution approving the City Attorney's entry into a tolling agreement governing suit by plaintiff Natasha Madaris entitled Natasha Madaris v. San Francisco Unified School District and City and County of San Francisco, Case No. 417-848. (City Attorney) . RECEIVED AND ASSIGNED to Finance and Audits Committee.

EXHIBIT E

STATE OF CALIFORNIA
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
ALCOHOLIC BEVERAGE LICENSE

ON-SALE BEER AND WINE - EATING PLACE

VALID FROM

Nov 01, 2012

TRAN, CUONG THANH
701 LARKIN ST
SAN FRANCISCO, CA 94109-7116

EXPIRES

Oct 31, 2013

TYPE NUMBER DUP

41 514458

AREA CODE

3800 24

BUSINESS ADDRESS DBA: SAO BIEN RESTAURANT
(IF DIFFERENT)

RENEWAL

OWNERS: TRAN, CUONG THANH

CONDITIONS

7



IMPORTANT INFORMATION

EFFECTIVE PERIOD: This license is effective only for the operating period shown above. A new license will be sent 4 to 6 weeks after the expiration date on your license if payment is timely. Your license status will remain in good standing for 60 days after the expiration date if the renewal payment was received timely. To check the status of your license, visit <http://www.abc.ca.gov/datport/LQSMenu.html>.

RENEWAL NOTICES: Renewal notices are sent to premises address unless a specific mailing address is requested. If a notice is not received 30 days before expiration date shown above, contact the nearest ABC office. To assure receipt of notices, advise your local ABC office of any change in address.

RENEWAL DATES: It is the licensee's responsibility to pay the required renewal fee by the expiration date shown above.

A Penalty is charged for late renewal and the license can be automatically revoked for failure to pay.

RENEWAL PAYMENTS: Renewal payments can be made in person by visiting your local office or sent by mail to ABC Headquarters, 3927 Lennane Drive, Suite 100, Sacramento, CA 95834. If you do not have your renewal notice, your license number and the reason for payment (ex. "renewal") must be clearly indicated on the check. You can contact your local ABC office for your renewal fee amount.

SEASONAL LICENSES: It is the licensee's responsibility to pay the required renewal fee prior to the next operating period.

POSTING: Cover this license with glass or other transparent material and post it on premises in a conspicuous place.

CONDITIONS: A copy of all applicable conditions must be kept on premises.

LICENSEE NAME: Only 10 names will be printed on each license. If there are more names associated with the license, they will be indicated by "AND XX OTHERS". All names are on file and available upon request from your local ABC office.

DBA: If you change your business name please notify your local ABC office.

If you have any questions regarding this license, contact your local ABC office. You can find the contact information for each district office at <http://www.abc.ca.gov/distmap.html>.

NOTE: CONTACT YOUR LOCAL ABC OFFICE IF YOUR LICENSED PREMISES WILL BE TEMPORARILY CLOSED FOR MORE THAN 15 DAYS OR WILL BE PERMANENTLY CLOSED.

EXHIBIT F

FACT SHEET: ROSTF

RETAIL OPERATING STANDARDS TASK FORCE (ROSTF)

Introduction

In 1994, legislation was enacted to improve the quality of life in local communities. Section 25612.5 of the Business and Professions Code, which took effect January 1, 1995, requires licensed package stores and bars to take affirmative measures to prevent and eliminate nuisance conditions at the premises. The law requires licensees to, among other things, remove litter daily, control graffiti, provide exterior illumination, and keep windows clear of excessive signage.

Shortly after the new law took effect, ABC developed the Retail Operating Standards Task Force (ROSTF). Prior to ROSTF, there was no systematic, pro-active strategy to address public nuisance problems at the point of sale on a community-wide scale. Nuisance conditions were addressed on a case-by-case basis.

ROSTF is one of several strategies ABC uses to carry out its enforcement responsibilities. Other strategies include undercover investigations, other special task forces, and the Decoy Shoulder Tap Program, which targets adults who furnish alcohol to minors. In addition, ABC provides technical assistance to local law enforcement agencies that choose to run minor decoy programs.

Goals and Objectives

The goals of ROSTF are to (a) detect, deter, educate, and bring into compliance those licensees who are in violation of Section 25612.5, and (b) strengthen partnerships with local law enforcement.

Program Components

To achieve its goals, ROSTF relies on the sworn staff members of the local law enforcement agency, local ABC district office, and/or ABC's Special Operations Unit. Components include task force formation, identification of licensed outlets, site visits and documentation, licensee admonishment, and follow up.

- **TASK FORCE FORMATION.** Experienced ABC investigators from the ABC district office or Special Operations Unit team with local law enforcement officers.
- **IDENTIFICATION OF OUTLETS.** Officers identify the licensed package stores and bars in the targeted area.
- **SITE VISIT AND DOCUMENTATION.** Officers document any violations of Section 25612.5 in writing and with photographs.
- **LICENSEE ADMONISHMENT.** Officers advise the licensee or on-duty manager of the provisions of Section 25612.5 and request that he or she correct the identified violations.
- **FOLLOW UP.** Seven to ten days later, officers re-check the licensed premises. If nuisance conditions still exist, officers cite the licensee for violation of Section 25612.5.
- **REPORTING.** If officers find violations during their follow-up visit, a case report is submitted at the local ABC district office for review. An accusation may be filed against the licensee alleging grounds for the suspension or revocation of the ABC license (similar to a complaint in a civil matter). Administrative penalties are decided on a case-by-case basis, with consideration given to the facts of each case and the licensee's prior record.
- **MEDIA.** Media coverage of ROSTF is generally positive and helps bring about voluntary compliance among licensees who may be unaware of the law.

Results and Impact

The program's success can be measured quantitatively by the reduction in alcohol-related arrests, crimes, and calls for service in many jurisdictions. Quantitative measures include the number of criminal citations issued and administrative accusations registered. Qualitative measures include declarations of satisfaction from local law enforcement officers and community members, and visible improvements in the physical conditions of targeted outlets.

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EXHIBIT G



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HOME ABOUT US BUSINESS LAWS, RULES AND REGS ESERVICES OTHER

License Query System - Map Query

Search for a specific

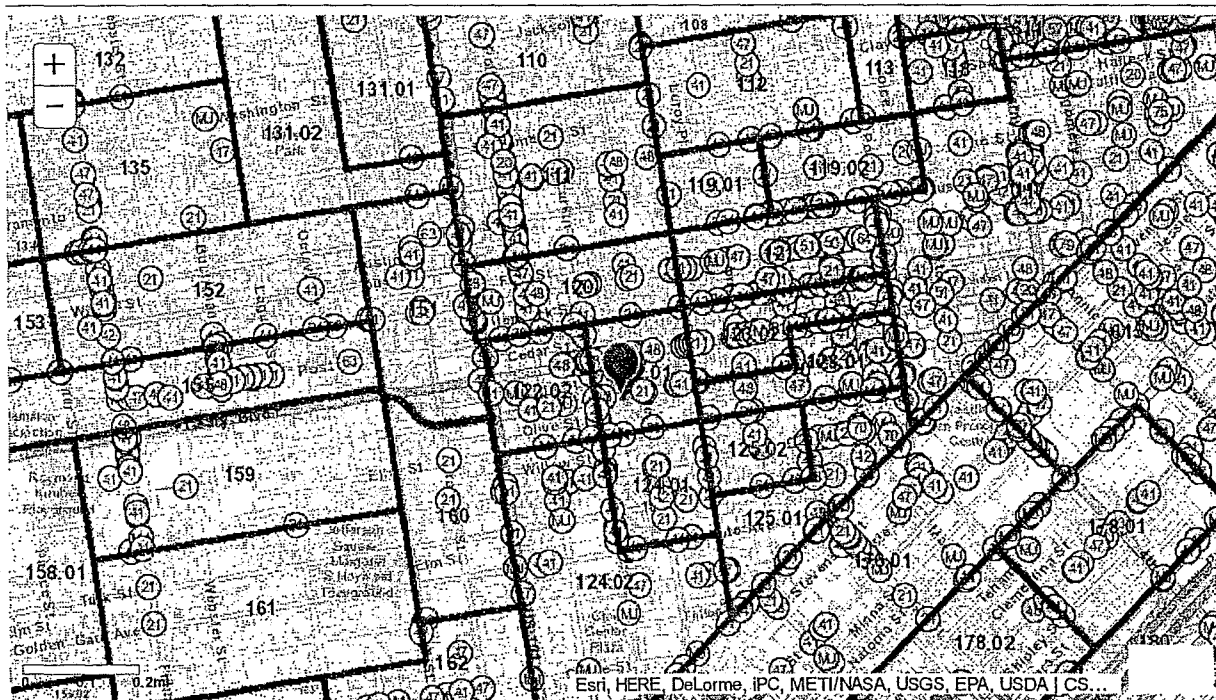
License Number:

Or, locate a general area by entering:

Premises Address: 745 OFarrell Street

Census Tract: City: SAN FRANCISCO

Search: Clear



Licenses on the map display the license type that is currently issued for it. In the event there is more than one license type issued, the code MU is displayed.

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EXHIBIT H

Department of Alcoholic Beverage Control
ZONING AFFIDAVIT

State of California
 Edmund G. Brown Jr., Governor

Instructions to the Applicant: Complete Items 1 - 14. Sign and date the form and submit it to ABC.

1. APPLICANT(S) NAME (Last, first, middle) KEY TRAN, INC.		
2. PREMISES ADDRESS (Street number and name, city, zip code) 745 O'Farrell St., San Francisco, CA 94109		3. PARCEL NUMBER OF PROPERTY (Obtain from County Assessor's Office) 03211036
4. TYPE OF LICENSE APPLIED FOR 42	5. UPGRADE OF LICENSED PRIVILEGES <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6. CURRENT LICENSE TYPE AT THIS LOCATION, IF ANY None
7. TYPE OF BUSINESS (i.e., restaurant, mini-mart, gas station, etc.) Pool/Billard Hall		8. ARE THE PREMISES INSIDE THE CITY LIMITS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
9. HOW ARE APPLICANT PREMISES ZONED? STATE TYPE (i.e., "C" commercial, "R" residential, etc.)		

For answers to Questions 9 - 14, contact your local city OR county planning department (if inside the city limits, contact city planning; if outside, contact county planning.

10. DOES ZONING PERMIT INTENDED USE? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	11. IS A CONDITIONAL USE PERMIT (C.U.P.) NEEDED? (If yes, please attach copy of receipt of C.U.P.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	12. IF YES, DATE YOU FILED APPLICATION FOR C.U.P. N/A
13. NAME OF PLANNER CONTACTED AT PLANNING DEPARTMENT Kurt Betz		14. PLANNER'S PHONE NUMBER (415) 558-6409

Under the penalty of perjury, I declare the information in this affidavit is true to the best of my knowledge.

15. APPLICANT'S SIGNATURE (One signature will suffice)	16. DATE SIGNED
--	-----------------

FOR DEPARTMENT USE ONLY

<input type="checkbox"/> C.U.P. Approved	IF APPROVED, EFFECTIVE DATE	FILE NUMBER
<input type="checkbox"/> C.U.P. Denied	DATE DENIED	

GENERAL INFORMATION

*Section 23790 of the Business and Professions Code says that ABC may not issue a retail license contrary to a valid zoning ordinance. This form will help us determine whether your proposed business is properly zoned for alcoholic beverage sales.

*A conditional use permit (CUP) (Item 11) is a special zoning permit granted after an individual review of proposed land-use has been made. CUP's are used in situations where the proposed use may create hardships or hazards to neighbors and other community members who are likely to be affected by the proposed use. The ABC district office will not make a final recommendation on your license application until after the local CUP review process has been completed. If the local government denies the CUP, ABC must deny your license application.

23790. Zoning ordinances. No retail license shall be issued for any premises which are located in any territory where the exercise of the rights and privileges conferred by the license is contrary to a valid zoning ordinance of any county or city.

Premises which had been used in the exercise of those rights and privileges at a time prior to the effective date of the zoning ordinance may continue operation under the following conditions:

- (a) The premises retain the same type of retail liquor license within a license classification.
- (b) The licensed premises are operated continuously without substantial change in mode or character of operation. For purposes of this subdivision, a break in continuous operation does not include:
 - (1) A closure for not more than 30 days for purposes of repair, if that repair does not change the nature of the licensed premises and does not increase the square footage of the business used for the sale of alcoholic beverages.
 - (2) The closure for restoration of premises rendered totally or partially inaccessible by an act of God or a toxic accident, if the restoration does not increase the square footage of the business used for the sale of alcoholic beverages.

EXHIBIT I



Institute For Criminal Justice Research
A Non Profit Educational/Research Institute of the
Help USA First Foundation, Inc.
www.icjr-cares.webs.com
Email: media@helpusafirst.org 415.563.2751

3/26/2015

Liquor License Application

For 745 O'Farrell Street, San Francisco 94109
Cuong T. Tran - Applicant

Dept of Alcoholic Beverage Control
33 New Montgomery St, Suite # 1230
San Francisco, CA 94105

Support for the License Application

COPY

Dear Sir or Madame:

The Help USA First Foundation, Inc, is a 501 c 3 non profit with a research office located near the King Kong Bida business operated by Cuong Tran. The undersigned has been authorized to send this letter of support for the issuance of the license to the business. Our research office received a notification from the business and our volunteer Foundation CEO also lives nearby and has assured us that the business is ran with the utmost professionalism and security. We have had an office in the area since 1993 and had not heard of any problems from the business, therefore, we fully support this efforts to better serve the changing diverse clientele of the area (the tech community). Thanks for your consideration.

Yours for Consideration and Justice,
For the Board of Directors Executive Committee
Help USA First Foundation/ICJR


Janice Jones,
Vice Chairperson

Cc: King Kong Bida
Attn: Mr. Tran
745 O'Farrell Street
San Francisco, CA 94109

10 Ada Court, Ste 2, 94109 - Helpusafirst.org
Fed Exempt I D: 38-3103229 C A Exempt: CT-97693

This letter or report is not intended to give legal advice of any kind. This organization is not a law office. The Help USA First Foundation, Inc is a non profit, tax exempt 501 (C) 3 organization, all contributions are considered donations to the extent allowed under the law and under the Internal Revenue Code. For more information, please email the organization with your name, address and contact numbers.

THOMAS PUBLIC MANAGEMENT
(TPM)

Direct Cell: 415.786.3449
Washington DC: 202.213.8123
ThomasPublicManagement@yahoo.com

3/23/2015

Department of Alcoholic Beverage Control
33 New Montgomery Street Ste. 1230
San Francisco, CA 94105

Re: ABC Application for 745 O'Farrell Street,
94109

Owner: Tran, Cuong Thanh

LETTER OF SUPPORT OF LICENSE

Dear Sir:

My company has property interests (646/660 O'farrell) within the 500 feet radius of the above mentioned business, however, more importantly, I have lived in the area for almost two decades. I am very familiar with the business seeking the license and the owner, Mr. Tran. Even though we did not have a reason to talk until recently, I have observed his operation and the clientele of his business at 745 O'Farrell, Street the full time of his ownership. Unlike some businesses in the 'Tenderloin area - however we wish to call it 'Lower Nob Hill' or Little Saigon - he has maintains a very tight control over his patrons inside and outside of the business. One thing I wish to mention particularly, he NEVER and I repeat NEVER have any customers or non customers hang around the front of this business. He provides electronic and personal security at all time. And we, his neighbors, really appreciate it.

Since receiving the notice of application from Mr Tran, I have personally met him and visited his business and checked it out more thoroughly. I also observed his patrons. I am very please to say that I can offer my complete and unbiased support to him for his liquor license. I am also part of a non profit in the area and they will also be sending a support letter.

Any questions please feel free to contact the undersigned.

Respectfully,
Thomas Public Management/TPM Properties

James Thomas, Jr, J.D.
President

Cc: Cuong T. Tran - 745 O'Farrell

One Embarcadero Center, Post Office Box 156455, San Francisco, CA 94115
Washington, DC Detroit, MI Chicago, IL Atlanta, Georgia Saint Louis, MO
Paris, France

Two Decades of Service to the World Community

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

Key Tran Inc

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

745 Ofarrell St., San Francisco CA.94109

3. LICENSE TYPE

42

4. TYPE OF BUSINESS

- | | | | |
|---|--|--|--|
| <input type="checkbox"/> Full Service Restaurant | <input type="checkbox"/> Hofbrau/Cafeteria | <input type="checkbox"/> Cocktail Lounge | <input type="checkbox"/> Private Club |
| <input type="checkbox"/> Deli or Specialty Restaurant | <input type="checkbox"/> Comedy Club | <input type="checkbox"/> Night Club | <input type="checkbox"/> Veterans Club |
| <input checked="" type="checkbox"/> Cafe/Coffee Shop | <input type="checkbox"/> Brew Pub | <input type="checkbox"/> Tavern: Beer | <input type="checkbox"/> Fraternal Club |
| <input type="checkbox"/> Bed & Breakfast: | <input type="checkbox"/> Theater | <input type="checkbox"/> Tavern: Beer & Wine | <input type="checkbox"/> Wine Tasting Room |
| <input type="checkbox"/> Wine only <input type="checkbox"/> All | | | |

- | | | | |
|---|--|--|--|
| <input type="checkbox"/> Supermarket | <input type="checkbox"/> Membership Store | <input type="checkbox"/> Service Station | <input type="checkbox"/> Swap Meet/Flea Market |
| <input type="checkbox"/> Liquor Store | <input type="checkbox"/> Department Store | <input type="checkbox"/> Convenience Market | <input type="checkbox"/> Drive-in Dairy |
| <input type="checkbox"/> Drug/Variety Store | <input type="checkbox"/> Florist/Gift Shop | <input type="checkbox"/> Convenience Market w/Gasoline | |

Other - describe:

5. COUNTY POPULATION

800,620

6. TOTAL NUMBER OF LICENSES IN COUNTY

1026

On-Sale Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY

On-Sale Off-Sale

8. CENSUS TRACT NUMBER

122.01

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

15

On-Sale Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

18

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

548

14. TOTAL NUMBER OF REPORTING DISTRICTS

653

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

53,948

16. AVERAGE NO. OF OFFENSES PER DISTRICT

83

17. 120% OF AVERAGE NUMBER OF OFFENSES

99

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

301

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)

willie bulanadi

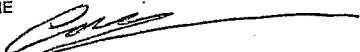
1455

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 this area. You may attach a separate sheet or additional documentation, if desired. Do not proceed to Part 3.

PLEASE REFER TO THE ATTACHED
LETTER TO SF BOARD FOR PCORN
SUPPORTING MATERIAL.

22. APPLICANT SIGNATURE



23. DATE SIGNED

6/3/15

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):

RECEIVED
BOARD OF SUPERVISORS
SANTA CRUZ COUNTY
JUN 5 AM 9:11

28. CITY/COUNTY OFFICIAL NAME

27. CITY/COUNTY OFFICIAL TITLE

26. CITY/COUNTY OFFICIAL PHONE NUMBER

29. CITY/COUNTY OFFICIAL SIGNATURE

30. DATE SIGNED

LIQUOR LICENSE REVIEW

TO: Planning Department **File:** 150599
AnMarie Rodgers/CTYPLN/SFGOV
Georgia Powell/CTYPLN/SFGOV@SFGOV
Fax No.: 558-6409

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

DATE: June 5, 2015

This item is tentatively scheduled to be heard in four to six weeks.
PLEASE EMAIL YOUR RESPONSE BY: July 9, 2015, to Derek Evans, Clerk,
Public Safety and Neighborhood Services Committee.

Derek.Evans@sfgov.org - Fax No: 554-7714

Applicant Name: Cuong Thanh Tran
and Business Name: King Kong Bida
(745 O'Farrell Street)

Applicant Address: 745 O'Farrell Street
San Francisco, CA 94109
and Phone No. (415) 341-3619

PLANNING COMMENTS: Approval Denial

POLICE COMMENTS: Approval Denial

LIQUOR LICENSE REVIEW

TO: Planning Department
AnMarie Rodgers/CTYPLN/SFGOV
Georgia Powell/CTYPLN/SFGOV@SFGOV
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San Francisco, CA 94109
and Phone No. (415) 341-3619

PLANNING COMMENTS: Approval Denial

POLICE COMMENTS: Approval Denial

KEY TRAN, INC DBA KING KONG BIDA

745 O'Farrell Street
San Francisco, CA 94109
Phone (415) 341.3619
Cuongthran@gmail.com

COPY

June 3, 2015

Lt. Dave Falzon, OIC
ABC Liaison Unit
San Francisco Police Department
850 Bryant Street
San Francisco, CA 94103

Re: ABC Type 42 License Application
Key Kong Bida (Café)

Dear Sir:

Please find enclosed a copy of the ABC Public Convenience or Necessity resolution request. We are taking this proactive approach with your office to avert and ameliorate any issues that the SFPD may have with our application for a Beer and Wine license to better serve our patrons and the community. As a sole proprietor I applied for a license but withdrew it for personal reasons and to better devise a business model that could be more effective in my business.

I have been a business man in the Little Saigon area for almost two decades. I have never had a problem the law enforcement. I have proactively in both of my business dealt with the homeless problem in the Little Saigon area and made sure that any ongoing criminal activity did not take place around my business for the my and my patrons protection. I have been successful in theses efforts for almost 20 years and will remain so.

The was a concern dealing with the ABC 'undue concentration' of licenses. I ask that you review our proposal to the City for our response to that issue. We are a fixture in the community had our patrons reflect that changing demographic. We MUST keep pace with this change in the Little Saigon area and need to have the Beer and Wine license to compete and survive. We have and will continue to upgrade our security to include a unformed Security Guard to augment our present electronic surveillance. Our business has and will continue to function as a community meeting place for the Vietnamese community and all other diversity in the Tenderloin / Little Saigon neighborhood.

We hope that we can have the support of the SFPD in our efforts. I look forward to meeting with you or your inspectors anytime. Thanks in advance.

Respectfully,
Key Tran, Inc. DBA King Kong Bida

By


Cuong Tran, CEO