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COMMITTEE/BOARD OF SUPERVISORS

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Completed by: Erica Major Date March, 4, 2016						
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PREPARED IN COMMITTEE 3/10/2016

FILE NO. 151158

RESOLUTION NO.

[Liquor License - 1981 Sutter Street]

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

WHEREAS, Eben Marsh is seeking the issuance of a Type 42 on-sale beer and wine license for Nighthawk's LLC, dba Pinot's Palette located at 1981 Sutter Street (District 5); and

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

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

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

Public Safety and Neighborhood Services Committee BOARD OF SUPERVISORS

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

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

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



San Francisco Police Department ABC Liaison Unit



Alcoholic Beverage License Public Convenience and Necessity Recommendation

To:

The San Francisco Board of Supervisors' Committee on Public Safety

and Neighborhood Services

Supervisor Eric Mar Supervisor David Campos Supervisor Aaron Peskin

From:

Lieutenant Dave Falzon

Officer in Charge

ABC Liaison Unit (ALU) 837-7269

Date:

March 3, 2016

Subject:

P.C.N. Investigation Regarding:

Nighthawk's, LLC.

DBA: Pinot's Pallette

1981 Sutter Street Eben Marsh (415)279-8963

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

Hours of Operation:

Daily

12 p.m.-10 p.m.

Digest:

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

Letters of Protest:

No Record

Letters of Support:

No Record

Police Calls for Service:

From February 2014 to February 2015

. (

Police Reports:

From February 2014 to February 2015

0

San Francisco Plot Information:

This premise is located in Plot 537

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

This plot had 289 police reports for 2014, which is 1910ver the Citywide "High Crime" average.

State Census Tract Information:

This premise is located in Census Tract 0155.00

Population for this tract is: 3,622

On-sale license authorized by census tract: 12 Active on-sale licenses: 55 with 1 pending

Off-sale licenses authorized by census tract: 3 Active off-sale licenses: 8 with 1 pending

Departmental Recommendation:

Points of consideration:

No opposition from Northern Station

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

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

0 - Record of protest.

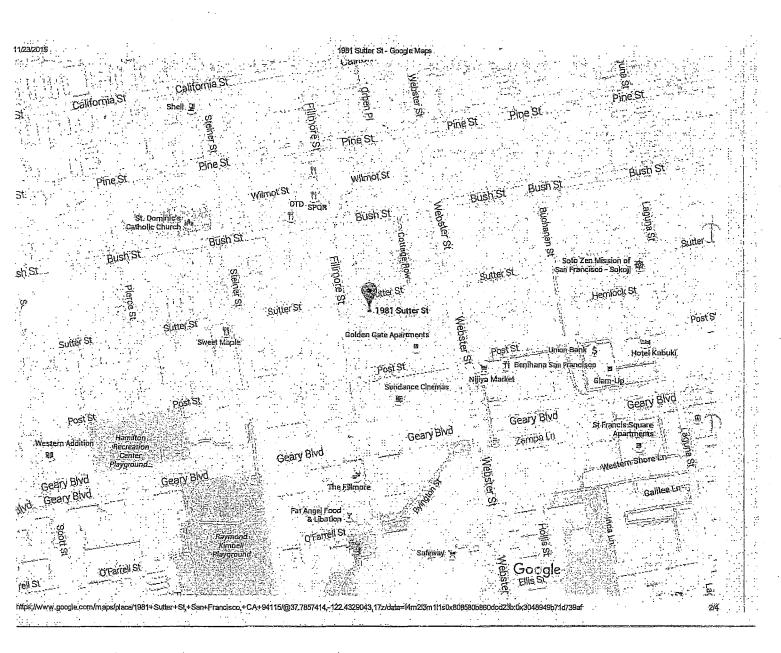
0 - Record of support.

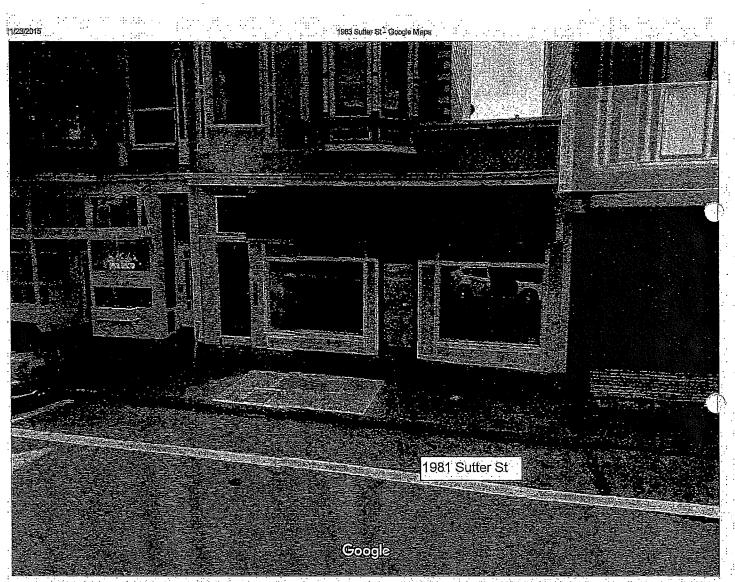
ALU Recommendation: Approval with the following conditions:

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

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

End



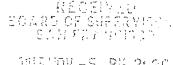


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LIQUOR LICENSE REVIEW

TO:	Planning Department AnMarie Rodgers/CTYPLN/SFGOV	File: 151158					
	Georgia Powell/CTYPLN/SFGOV@SFGOV Fax No.: (415) 558-6409	Block/lot: 0684/040					
то:	Police Department Inspector Nelly Gordon Phone: (415) 837-7273	Blockflot: 0684/040 2005: NCT Quad: NW Record #2015-0148871					
DATE:	November 9, 2015						
PLEASE EN	rentatively scheduled to be heard in four to six vially Your RESPONSE BY: December 9, 2014 and Neighborhood Services Committee Clerk. Erica.Major@sfgov.org - Fax No: (415) 55	5, to Erica Major,					
Applicant N and Busines							
Applicant A	ddress: 2040 Franklin Street #1108 San Francisco, CA 94109	,					
and Phone							
•							
PLANNING COMMENTS: Approval							
BAR IS A PERMITTED USE IN THE FILLMORE STREET NCT.							
CONDITIONAL USE TO ALLOW A FORMULA RETAIL BUSINESS							
(DBA "PINCT'S PALETTE") WAS GRANTED ON 9/24/15.							
POLICE COMMENTS: Approval Denial							





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

<u>6-0 fa 4</u>01

October 30, 2015

Clerk of the board

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

San Francisco Board of Supervisor 1 Dr. Carlton B Goodlett Place San Francisco, CA 94102 Dear Clerk of the Board:

Re: PCN Request

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

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

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

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

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

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

Sincerely.

Eben R. Marsh

Ba R Sfans