

File No. 151161

Committee Item No. 1

Board Item No. 18

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Public Safety and Neighborhood Services Date May 12, 2016

Board of Supervisors Meeting Date May 24, 2016

Cmte Board

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- Resolution
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- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
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OTHER (Use back side if additional space is needed)

- PCN Request Letter - 11/09/2015
- LL Referral - 11/13/2015
- Response Planning - 12/09/2015
- Response Police - 05/04/2016
- _____
- _____
- _____
- _____
- _____
- _____
- _____

Completed by: Erica Major Date May 6, 2016
Completed by: JMM Date 5/17/2016

1 [Liquor License - 239 Kearny Street]

2

3 **Resolution determining that the issuance of a Type 48 on-sale general public**
4 **premises license to Frank LeClerc for Gitane Restaurant and Bar, Inc. dba Gitane**
5 **Restaurant and Bar, located at 239 Kearny Street (District 3), will serve the public**
6 **convenience or necessity of the City and County of San Francisco in accordance**
7 **with California Business and Professions Code, Section 23958.4, and**
8 **recommending that the California Department of Alcoholic Beverage Control**
9 **impose conditions on the issuance of the license.**

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11 WHEREAS, Frank LeClerc is seeking the issuance of a Type 48 on-sale general
12 public premises license for Gitane Restaurant and Bar, Inc. dba Gitane Restaurant and
13 Bar, located at 239 Kearny Street (District 3); 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 with the
17 Department of Alcoholic Beverage Control under California Business and Professions
18 Code, Section 24013, and recommends that the Department of Alcoholic Beverage
19 Control issue the liquor license with conditions; and

20 WHEREAS, The conditions recommended by the Police Department, as
21 amended, are the following: 1) no noise shall be audible beyond the area under the
22 control of the licensee as defined on the ABC-257; 2) the sale of alcoholic beverages for
23 consumption off the premises is strictly prohibited; 3) loitering (is defined as "to stand
24 idly about; linger aimlessly without lawful business") is prohibited on any sidewalks or
25 property adjacent to the licensed premises under the control of the licensee as depicted

1 on the ABC-257; and 4) the sales and service of alcoholic beverages shall be
2 conducted at the bar provided by an employee or server. Bottle service and self-service
3 of alcoholic beverages is strictly prohibited; now, therefore, be it

4 RESOLVED, That in accordance with California Business and Professions Code,
5 Section 23958.4, the Board of Supervisors of the City and County of San Francisco
6 hereby determines that the issuance of a Type 48 on-sale general public premises
7 license to Frank LeClerc for the Gitane Restaurant and Bar, Inc. dba Gitane Restaurant
8 and Bar, located at 239 Kearny Street (District 3), will serve the public convenience or
9 necessity of the City and County of San Francisco; and, be it

10 FURTHER RESOLVED, That the Board of Supervisors of the City and County of
11 San Francisco hereby endorses and adopts the recommendations of the Police
12 Department listed above, and recommends that the Department of Alcoholic Beverage
13 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 Jane Kim
Supervisor John Avalos
Supervisor David Campos

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

Date: May 3, 2016

Subject: P.C.N. Investigation Regarding: Gitane Restaurant and Bar, Inc.
DBA: Gitane Restaurant and Bar
239 Kearny Street
Frank LeClerc
(415)788-6686

Frank Le Clerc of Gitane Restaurant and Bar, Inc., dba Gitane Restaurant and Bar has filed an application with the California Department of Alcoholic Beverage Control seeking a -Type 48 (On-Sale General Public) License for 239 Kearny Street (located between Bush and Sutter Streets).

Hours of Operation:

Daily 11 a.m.-12 Midnight

Digest:

The licensee wishes to exchange their existing Type 47 (On-Sale General Eating) license with a Type 48 (On-Sale General Public) The applicant would like to operate a lounge atmosphere offering cocktail service with music playing and table service. If approved, this license will allow Gitane Restaurant and Bar to sell On-Sale Beer, Wine and Spirits at this premises, without food service admittance only to those 21 years of age and older.

Letters of Protest:

No Record

Letters of Support:

No Record

Police Calls for Service:

From October 2014 to October 2015

0

Police Reports:

From October 2014 to October 2015

0

San Francisco Plot Information:

This premise is located in Plot 160

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

This plot had 295 police incidents for 2014, which is 197 over the Citywide "High Crime" average.

State Census Tract Information:

This premise is located in Census Tract 0117.00

Population for this tract is: 1,783

On-sale license authorized by census tract: 6
Active on-sale licenses: 93 with 1 pending

Off-sale licenses authorized by census tract: 1
Active off-sale licenses: 21 with 0 pending

Departmental Recommendation:

Points of consideration:

No opposition from **Central 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 48 (On-Sale General Public)

1. No noise shall be audible beyond the area under the control of the licensee as defined on the ABC-257, dated _____.
2. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.
3. 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 as depicted on the ABC-257, dated _____.
4. The sales and service of alcoholic beverages shall be conducted at the bar or provided by an employee server. Bottle service and self-service of alcoholic beverages is strictly prohibited.

It should be noted that the applicant has agreed to the above listed conditions.

End

Google Maps 239 Kearny St



239 Kearny St
 San Francisco, CA 94108

<https://www.google.com/maps/place/239+Kearny+St,+San+Francisco,+CA+94108/@37.7901669,-122.4039195,17z/data=!4m2!3m1!1s0x8085808988caf36b:0x4837c77e0fb267a>

10/28/2015

254 Kearny St - Google Maps

Google Maps 254 Kearny St

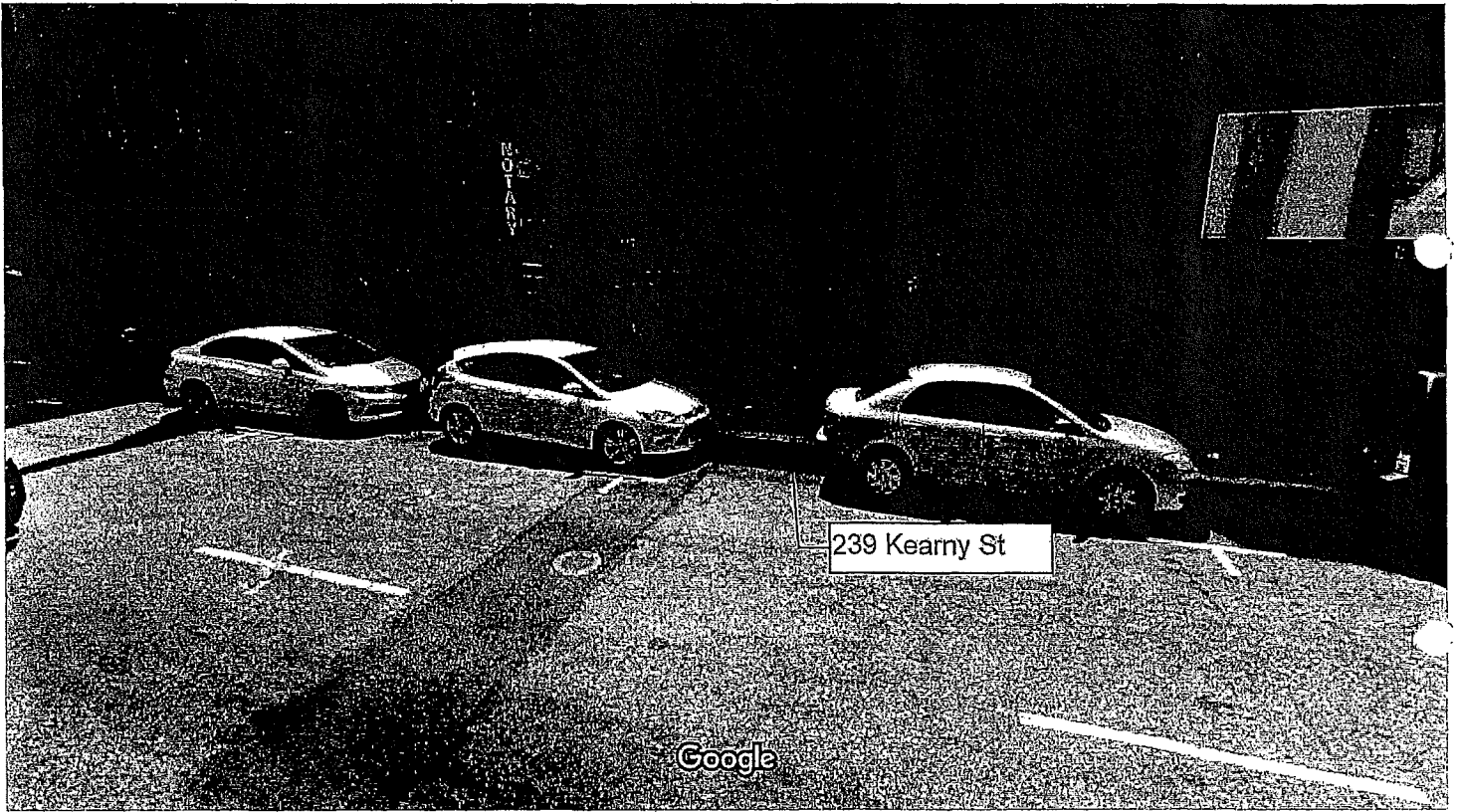


Image capture: Jul 2015 © 2015 Google

San Francisco, California

Street View - Jul 2015

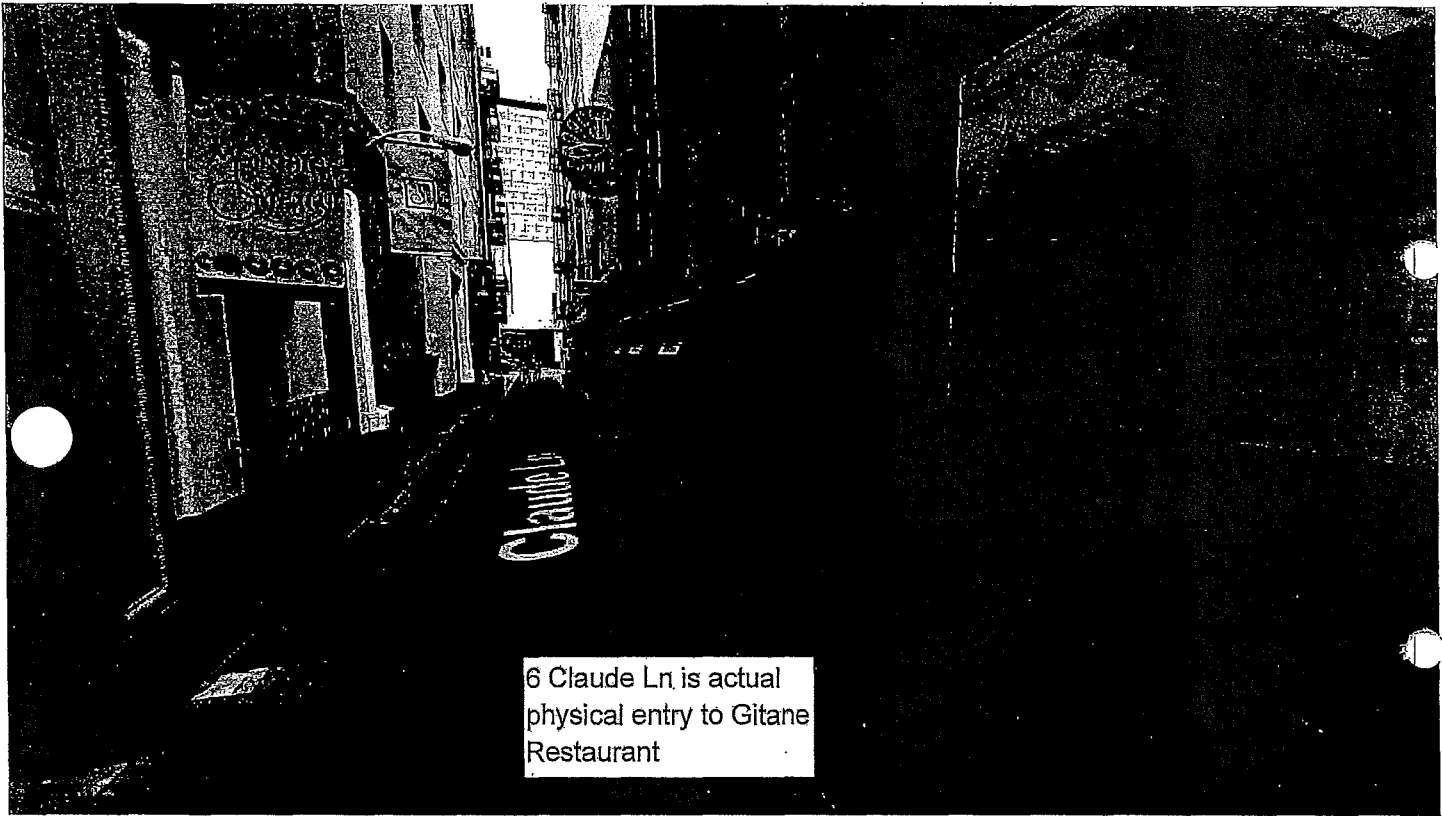
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1/2

10/28/2015

3 Claude Ln - Google Maps

Google Maps 3 Claude Ln



6 Claude Ln is actual
physical entry to Gitane
Restaurant

Image capture: Sep 2014 © 2015 Google

San Francisco, California

Street View - Sep 2014

<https://www.google.com/maps/@37.7901746,-122.4043488,3a,75y,11.65h,83.64t/data=!3m6!1e1!3m4!1szSBpmCKb3zmfkYalFY0Kvgl2e0!7!13312!8!6656!6m!1e1>

1/2

12/30/15

LIQUOR LICENSE REVIEW

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

File: 151161

Block/lot: 0287/003

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

Zoning: C-3-D

Quadr: NE

DATE: November 13, 2015

Record #2015-015070MIS

This item is tentatively scheduled to be heard in four to six weeks.
PLEASE EMAIL YOUR RESPONSE BY: December 30, 2015, to Erica Major,
Public Safety and Neighborhood Services Committee Clerk.

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

Applicant Name: Franck C. Le Clerc
and Business Name: Gitane Restaurant and Bar
(239 Kearny Street)

Applicant Address: 425 Bush Street
San Francisco, CA 94102
and Phone No. (415) 823-8797

PLANNING COMMENTS:

Approval Denial

ABC LICENSE TYPE 4B IS PERMITTED WITH BAR USE, CLASSIFIED AS RETAIL SALES AND SERVICE, PER PC SECTION 210.2.

*Call
Crew STUBS 12/18/15*

POLICE COMMENTS:

Approval Denial

Gitane Restaurant and Bar, Inc.

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

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

NOV 9 2:51

AK

Re: Gitane Restaurant and Bar, Inc., dba Gitane Restaurant and Bar, Liquor License "PCN" Request at 239 Kearny Street, San Francisco, CA 94108

To the Clerk of the Board,

The purpose of this letter is to respectfully request to be placed on the Board's calendar for Public Convenience and Necessity approval with regard to our pending application to exchange a Type 47 license for a Type 48 On-Sale General Public Premise license. We would like to explain our motivation and intent with regard to this exchange.

Due to a fire at our 239 Kearny Street location in 2012, our landlord did not want to renew our lease if there would still be a hood in the kitchen. Of course a hood would be necessary to operate and maintain our premises as a bona fide eating-place per the Type 47 license. For this reason, we have applied to exchange our Type 47 for a Type 48 so that we may renew our lease and continue operating with no required food service and no minors as well.

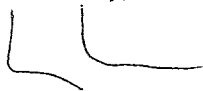
This neighborhood is thriving with business, yet there are none like ours within several blocks in each direction. There are a few very noisy bars around our location (Rickhouse and Topsy), but no lounge atmospheres with quiet music playing and table service offered for the upstairs area of our location. We plan to offer cocktail service to our patrons upstairs since there are 22 steep steps from the ground floor to the mezzanine.

Our desired hours of operation are 4:00 pm to 2:00 am, 7 days per week to start and if there is not enough Sunday business, we will close on Sundays. In addition to the license at Gitane, I also own and operate Café Claude, Claudine and Gaspar, all business with ABC licenses, all businesses with zero violations on their licensed. Our 20 year history around Claude Lane has allowed us to cultivate community support for this change.

We will continue to vigilantly monitor the surrounding area to ensure the safety of our business and customers at all times, we will not serve obviously intoxicated people, and we have already begun to cultivate good relationships with community leaders and members.

We seek the SF Board of Supervisor's affirmative ruling that our application serves the public convenience and necessity of our City.

Sincerely,



Franck C. LeClerc, President

FCL@CLAUDELANE.COM

(415) 823-8797

LIQUOR LICENSE REVIEW

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Georgia Powell/CTYPLN/SFGOV@SFGOV
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