



# SAN FRANCISCO PLANNING DEPARTMENT

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## Discretionary Review Full Analysis

HEARING DATE: NOVEMBER 17, 2011

*Date:* November 10, 2011  
*Case No.:* 2011.0879D  
*Project Address:* 1813 FULTON STREET  
*Zoning:* NC-1 (Neighborhood Commercial Cluster) District  
40-X Height and Bulk District  
*Block/Lot:* 1187/001  
*Project Sponsors:* Sergey Sharapov / Clara Shayevich (applicants)  
1813 Fulton Street  
San Francisco, CA 94112  
Victor M. Marquez, Esq. (representative)  
The Marquez Law Group, PC  
731 Market Street, Suite 600  
San Francisco, CA 94103  
*Staff Contact:* Sharon M. Young – (415) 558-6346  
sharon.m.young@sfgov.org  
*Recommendation:* **Take Discretionary Review and approve the project with conditions**

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### PROJECT DESCRIPTION

The proposal is to legalize the change of use of an existing small self-service restaurant (d.b.a. Bistro Gambrinus) to a full-service restaurant (continuing d.b.a. Bistro Gambrinus). The approximately 950 square-foot restaurant space consists of a dining area with seating for approximately 49 persons, service area, kitchen, and restroom. The proposal is to convert from a self-service type restaurant to a full-service type restaurant and will not involve any additional tenant improvements in the ground floor commercial tenant space.

### SITE DESCRIPTION AND PRESENT USE

The project site at 1813 Fulton Street is on the south side of Fulton Street between Ashbury Street and Masonic Avenue; Assessor's Block 1187; Lot 001. It is located within the NC-1 (Neighborhood Commercial Cluster) District and a 40-X Height and Bulk District. The subject lot is 50 feet wide by 102.75 feet deep in size and is occupied by a three-story mixed-use building (occupying the front of the subject lot at the corner of Masonic Avenue and Fulton Street – 601 Masonic Avenue) and a one-story commercial building (occupying the rear of the subject lot facing Fulton Street – 1813 Fulton Street). The existing buildings are not listed in the Planning Department's 1976 Architectural Survey (AS survey) or the National or California Registers as having architectural significance. The three-story building is occupied by commercial establishments Fulton Food Shop & Liquor Store and La Plaza Cleaners on the ground floor and eight residential units on the second and third floors of the building. The subject one-story commercial building was previously occupied by a small self-service restaurant d.b.a. Fruitful Grounds. The subject one-story commercial building is currently occupied by a full-service restaurant d.b.a. Bistro Gambrinus (specializing in Eastern European cuisine which may be served with beer or wine), which has been in operation since 2009.

**SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The project site is located on the northern portion of the Haight-Ashbury neighborhood within the NC-1 (Neighborhood Commercial Cluster) Zoning District, bounded by the RM-1 Zoning District to the north, RH-2 Zoning District to the south, RH-3 to the west, and NC-1 to the east. The surrounding development consists of commercial, residential, and mixed-used buildings. The scale of development in the area consists primarily of one- to four-story structures. The shopping area within the neighborhood is located on the northeast side of Fulton Street and Masonic Avenue containing small-scale convenience businesses (restaurants, a financial institution, and personal service establishments). The University of San Francisco (UCF Lone Mountain Campus) is located north of the project site and the Fulton ‘Lucky’ Market grocery store complex is located on the northeast corner of Fulton Street and Masonic Avenue.

**BUILDING PERMIT NOTIFICATION**

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
312 Notice	30 days	July 15, 2011 - August 13, 2011	August 15, 2011	November 17, 2011	94 days

**HEARING NOTIFICATION**

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	November 7, 2011	March 7, 2011	10 days
Mailed Notice	10 days	November 4, 2011	March 2, 2011	13 days

**PUBLIC COMMENT**

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	99	2 (DR Requestors)	--
Other neighbors on the block or directly across the street, and within the neighborhood	--	47	--
Neighborhood groups	--	--	--

The DR Requestors submitted a petition with 47 signatures in opposition to the project. The project sponsors submitted letters/petition with 99 people in support of the project.

**DR REQUESTORS**

The single DR Request was filed by two individuals:

- 1) **Henry Tang**, resident of 1831 Fulton Street, directly adjacent and west of the project site.
- 2) **Natalya Iskenderova**, resident of 601 Masonic Avenue, directly adjacent and east of the project site.

## DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

The DR Requestors' concerns are summarized below:

- Bistro Gambrinus is a high-volume sports bar which does not fit into the characteristics of the zoning designation. It generates a high volume of traffic; employees, patrons and delivery vehicles constantly block the driveway of neighbors; it generates noise until late at night; patrons and employees constantly smoking on the sidewalk. In short, it is a nuisance.
- The bar is very open to the sidewalk which encourages smokers and loiterers to congregate on the sidewalk. Beer and menu placards block the sidewalk.

The proposed alternative would be to shorten the hours of operation to reduce noise at night. Change construction design to keep patrons indoors. Restrict delivery hours.

(See attached *Request for Discretionary Review application*, dated August 14, 2011, for further details on the DR Requestors' concerns and proposed alternatives.)

## PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

The Project Sponsors have provided the following response to the DR Requestors' concerns and proposed alternative as summarized below:

- Bistro Gambrinus is a full-service restaurant with the very unique concept of pairing food with beer, much like other restaurants pair food with wine. Bistro Gambrinus does not have a full liquor license and has no plans to acquire one because it would be against the restaurant's business plan and the owners' vision for the restaurant and the types of patrons it wishes to attract, namely inter-generational, from families with children to older adults. The restaurant also has created new jobs in the City by hiring and employing individuals from "Job Now", a City of San Francisco sponsored program.
- The DR Requestors' allegations that the business is operated as a "high-volume sports bar" are not true. The conditions of operation under the beer and wine license require the maintenance of suitable kitchen facilities and the substantial sale of meals for consumption on the premises. In sum, the establishment must be operated as a bona fide eating place, which it is. The restaurant is in full compliance with its licensing requirements. The restaurant owners conducted an audit of sales performed at Bistro Gambrinus to determine the ratio of sales for food versus beer and wine. The findings were such that 60-70 % of sales were for food and only 30-40% for beer and wine consumption.
- In response to the DR Requestors' noise concerns, Bistro Gambrinus is located just a few yards away from a very busy intersection at Masonic and Fulton Streets. By the very nature of the busy intersection, it is often a loud and noisy environment. The high volume of traffic, the often heavy pedestrian traffic, the alleged loitering at the bus stop, and the customers of the liquor store are not attributable to the Bistro Gambrinus business activity. The restaurant was inspected by the Department of Public Health's Environmental Health Section and it complies with the San Francisco Noise Control Ordinance requirements.

- That restaurant's delivery trucks delivering merchandise to the restaurant "constantly" blocking his driveway are dishonest and misleading allegations. The trucks he is referring to are delivering to the corner liquor store and not to Bistro Gambrinus. The restaurant has deliveries made to the establishment once a week. The deliveries are made every Friday sometime between noon and 4 p.m. and the deliveries last no more than 15 - 20 minutes.
- That layout of the restaurant is conducive to creating noise and open to the sidewalk encouraging smokers and loiters to congregate on the sidewalk is not true. There is no outside seating and drinks and food are not allowed off the restaurant premises.
- Making changes to the physical space of the restaurant to keep patrons indoors, makes no sense since there is no room for any alterations to the physical space of the restaurant.

The Project Sponsors have responded with the following alternatives to the proposal and feel the project does not have adverse effects on surrounding properties:

- Two outdoor cameras were installed covering the whole block on both the south and north sides of Bistro Gambrinus, including the bus stop and liquor store to help ensure the continued safety of the restaurant patrons and neighbors.

(See attached *Response to Discretionary Review* for the Project Sponsors detailed response.)

## PROJECT ANALYSIS

The Project Site at 1813 Fulton Street is located within the NC-1 (Neighborhood Commercial Cluster) District.

### Intent of the NC-1 Zoning District

Pursuant to Section 710.1 of the Planning Code, NC-1 Districts are intended to serve as local neighborhood shopping districts, providing convenience retail goods and services for the immediately surrounding neighborhoods primarily during daytime hours. These NC-1 Districts are characterized by their location in residential neighborhoods, often in outlying areas of the City.

The commercial intensity of these districts varies. Many of these districts have the lowest intensity of commercial development in the City, generally consisting of small clusters with three or more commercial establishments, commonly grouped around a corner; and in some cases short linear commercial strips with low-scale, interspersed mixed-use (residential-commercial) development. Building controls for the NC-1 District promote low-intensity development which is compatible with the existing scale and character of these neighborhood areas. Commercial development is limited to one story. NC-1 commercial use provisions encourage the full range of neighborhood-serving convenience retail sales and services at the first story provided that the use size generally is limited to 3,000 square feet. However, commercial uses and features which could impact residential livability are prohibited, such as auto uses, financial services, general advertising signs, drive-up facilities, hotels, and late-night activity; eating and drinking establishments are restricted, depending upon the intensity of such uses in nearby commercial districts.

Planning Code Definitions of Small Self-Service Restaurant, Full-Service Restaurant, and Bar

A **full-service restaurant** is defined under Planning Code Section 790.92 as:

a retail eating or eating or eating and drinking use which serves food to customers primarily for consumption on the premises, and is not specifically designed to attract and accommodate high customer volumes or turnover.

It has seating and serves prepared, ready-to-eat cooked foods for consumption on the premises. Guests typically order and receive food and beverage while seated at tables on the premises and pay for service after the meal is consumed.

It includes, but is not limited to, lunch counters, coffee shops, soda fountains and full-service dining establishments. It is distinct and separate from a small or large fast-food restaurant, as defined in Sections 790.90 and 790.91 of this Code.

It may provide on-site beer and/or wine sales for drinking on the premises (with ABC licenses 40, 41 or 60). If it serves liquor for drinking on the premises (with ABC licenses 47 or 48), or does not admit minors (with ABC licenses 42 or 61), then it shall also be considered a bar, as defined in Section 790.22 of this Code.

A **small self-service restaurant** is defined under Planning Code Section 790.91 as:

a retail eating or eating and drinking use which provides ready-to-eat food for consumption on and off the premises and which may or may not provide seating. Such use exhibits the following characteristics:

- (1) Contains fewer than 50 seats and less than 1,000 square feet of gross floor area;
- (2) A limited menu of ready-to-eat food prepared in advance of customer orders, or food which is able to be quickly prepared for consumption on or off the premises;
- (3) Food served in disposable wrappers or containers;
- (4) Food is ordered and served at customer service counter;
- (5) Food is paid for prior to consumption;
- (6) Public food service area, including queuing areas and service counters without fixed seats, which counters are designed specifically for the sale and distribution of food and beverages;
- (7) Food available upon a short waiting time.

It does not include retail grocery stores with accessory take-out food activity, as described in Section 703.2(b)(1)(C) of this Code, self-service specialty food use, as described in Section 790.93 of this Code, or retail uses which sell prepackaged or bulk ready-to-eat foods with no-site food preparation area, such as confectionery or produce stores. When a fast-food restaurant operates within and in conjunction with another retail use, such as a retail grocery store, the area of the fast-food restaurant use shall be measured

to include the area devoted to food preparation and service, seating and separate public food service counters, excluding fish, poultry and meat counters.

(b) It may provide off-site beer, wine and/or liquor sales for consumption off the premises (with ABC licenses 20 or 21) or on-site beer and/or wine sales for drinking on the premises (with ABC licenses 40, 41 or 60). If it serves liquor for drinking on the premises (with ABC licenses 47 or 48) or does not admit minors (with ABC licenses 42 or 61), then it shall also be considered a bar, as defined in Section 790.22 of this Code.

(c) It shall be conducted in accordance with the following conditions:

(1) All debris boxes shall be kept in enclosed structures.

(2) The operator shall be responsible for cleaning the sidewalk within a one-block radius daily to maintain the sidewalk free of paper or other litter during its business hours, in accordance with Article 1, Section 34 of the San Francisco Police Code.

(3) Noise and odors shall be contained within the premises so as not to be a nuisance to nearby residents or neighbors.

(d) It shall not be required to operate within an enclosed building pursuant to Section 703.2(b)(1) so long as it is also a Mobile Food Facility as defined in Section 102.31. Any associated outdoor seating and/or dining area is subject to regulation as an Outdoor Activity Area as set forth elsewhere in this Code.

A **bar** is defined under Planning Code Section 790.22 as:

a retail use which provides on-site alcoholic beverage sales for drinking on the premises, including bars serving beer, wine and/or liquor to the customer where no person under 21 years of age is admitted (with Alcoholic Beverage Control [ABC] licenses 42, 48, or 61) and drinking establishments serving liquor (with ABC licenses 47 or 49) in conjunction with other uses which admit minors, such as restaurants, movie theaters, and other entertainment. If a bar use also includes a full-service restaurant, as defined by 790.92, or a small self-service restaurant as defined by 790.91, then these uses are considered to be separate and distinct, even though they may occupy the same retail space.

#### The Full-Service Restaurant Use d.b.a. Bistro Gambrinus

The proposal involves legalizing the change of use of a small self-service restaurant use to a full-service restaurant use d.b.a. Bistro Gambrinus; the previous business was d.b.a. Fruitful Grounds. Within the NC-1 District, a full-service restaurant is a principally permitted use on the 1<sup>st</sup> (ground) story under Planning Code Section 710.42. Planning Code Section 710.27 allows hours of operation from 6 a.m. until 11 p.m. as of right and requires Conditional Use authorization to operate between the hours of 11 p.m. and 2 a.m. The restaurant's current hours of operation are 12 p.m. to 10 p.m. Monday through Wednesday and 12 p.m. to 11 p.m. Thursday through Saturday. Although the existing restaurant has a service area (bar) with seating, it is not considered a "bar" use as defined under Planning Code Section 790.22 since the restaurant has waiter service and serves beer and/or wine with an ABC License Type 41 with a liquor license from the Department of Alcohol Beverage Control.

## ENVIRONMENTAL REVIEW

The Project is exempt from the California Environmental Quality Act (“CEQA”) as a Class 1 categorical exemption.

## RESIDENTIAL DESIGN TEAM REVIEW

Because the request for Discretionary Review pertains to the change of use rather than the design of the proposed project, the proposed project did not require review by the Department’s Residential Design Team (RDT). As such, a Design Review Checklist is not included with this analysis.

## BASIS FOR RECOMMENDATION

The Department believes the proposed project is not exceptional or extraordinary for the following reasons:

1. Based on a review of the DR Requestors’ application, Project Sponsors’ building permit application and DR Response Form, the Planning Department has determined that the existing eating and drinking establishment is considered a “full-service restaurant” use rather than a “bar” use as defined under the Planning Code. To address some of the DR Requestors concerns, the Planning Department is recommending that the proposed project be approved with the following conditions:
  - a) **NOISE CONTROL.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.  
*For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org)*  
*For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, [www.sfdbi.org](http://www.sfdbi.org)*  
*For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-1012 or 415-5530123, [www.sf-police.org](http://www.sf-police.org)*
  - b) **ODOR CONTROL.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.  
*For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), [www.baaqmd.gov](http://www.baaqmd.gov) and Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

- c) **SIDEWALK MAINTENANCE.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*

- d) **GARBAGE, RECYCLING, AND COMPOSTING RECEPTACLES.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>*

- e) **COMMUNITY LIAISON.** Prior to issuance of a building permit to construct the project and implement the approved use, the project sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The project sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the project sponsor.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

- f) **ENFORCEMENT.** Violation of any of the conditions of approval attached to this building permit application or of any other provisions of the Planning Code applicable to this proposed project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176. The Planning Department may also refer complaints to other City departments and agencies for appropriate enforcement action under their jurisdiction.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

- g) **MONITORING.** The proposed project requires monitoring of the conditions of approval attached to this building permit application. The Project Sponsor or the subsequent responsible parties for the project shall pay fees as established under Planning Code Section 351(e)(1) and work with the Planning Department for information about compliance.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

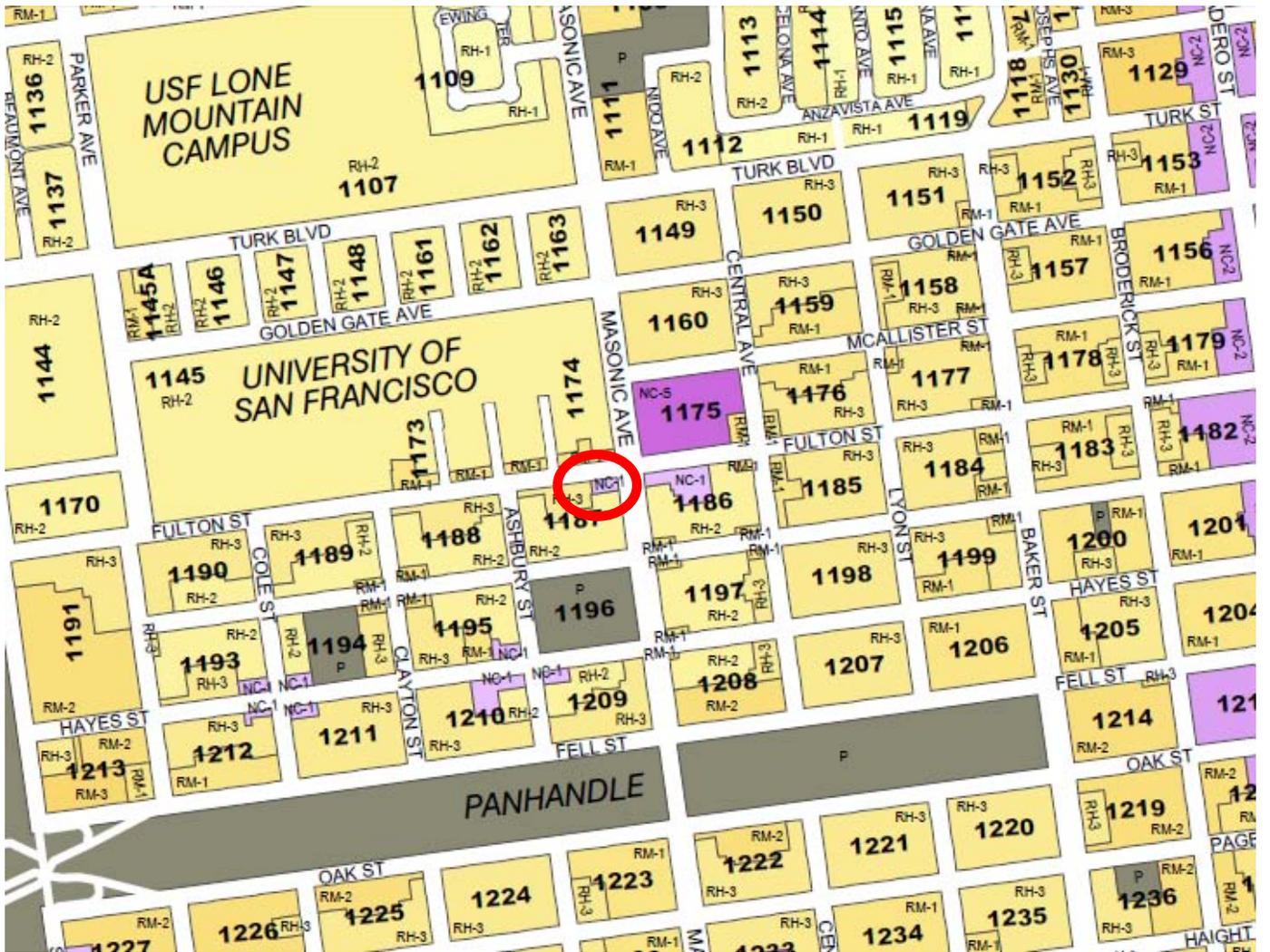
- h) **RECORDATION OF CONDITIONS OF APPROVAL.** Prior to the issuance of the building permit or commencement of use for the proposed project, the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on XXXXXX under Planning Commission Action - No. DRA -- XXXX.
- i) **PRINTING OF CONDITIONS OF APPROVAL ON PLANS.** The conditions of approval under Planning Commission Action - No. DRA -- XXXX shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the proposed project. The Index Sheet of the construction plans shall also reference any subsequent amendments or modifications.

<b>RECOMMENDATION:</b> <b>Take Discretionary Review and approve the project with conditions</b>
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**Attachments:**

Block Book Map  
Sanborn Map  
Zoning Map  
Aerial Photographs  
Context Photos  
Section 312 Notice  
DR Application  
Response to DR Application dated October 27, 2011  
Reduced Plans

# Zoning Map



Discretionary Review Hearing  
Case Number 2011.0879D  
1813 Fulton Street

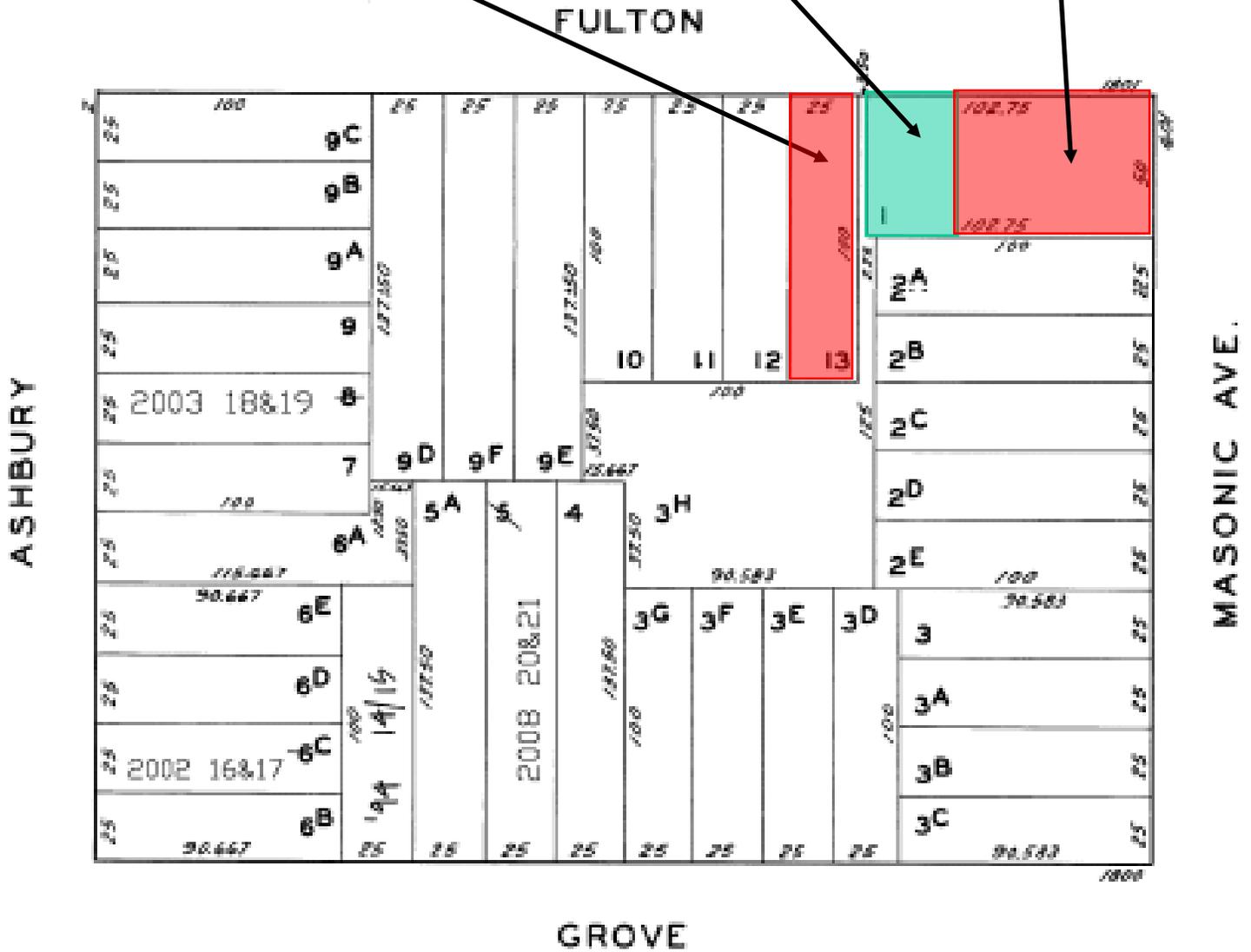


# Parcel Map

DR REQUESTOR'S PROPERTY AT 1831 FULTON ST

SUBJECT PROPERTY AT 1813 FULTON ST

DR REQUESTOR'S PROPERTY AT 601 MASONIC AVE



Discretionary Review Hearing  
 Case Number 2011.0879D  
 1813 Fulton Street



# Aerial Photo\*



DR REQUESTOR'S PROPERTY  
AT 1831 FULTON ST

SUBJECT PROPERTY  
AT 1813 FULTON ST

DR REQUESTOR'S PROPERTY  
AT 601 MASONIC AVE

*\*The Aerial Maps reflect existing conditions in March 2009.*



# Aerial Photo\*



DR REQUESTOR'S PROPERTY  
AT 1831 FULTON ST

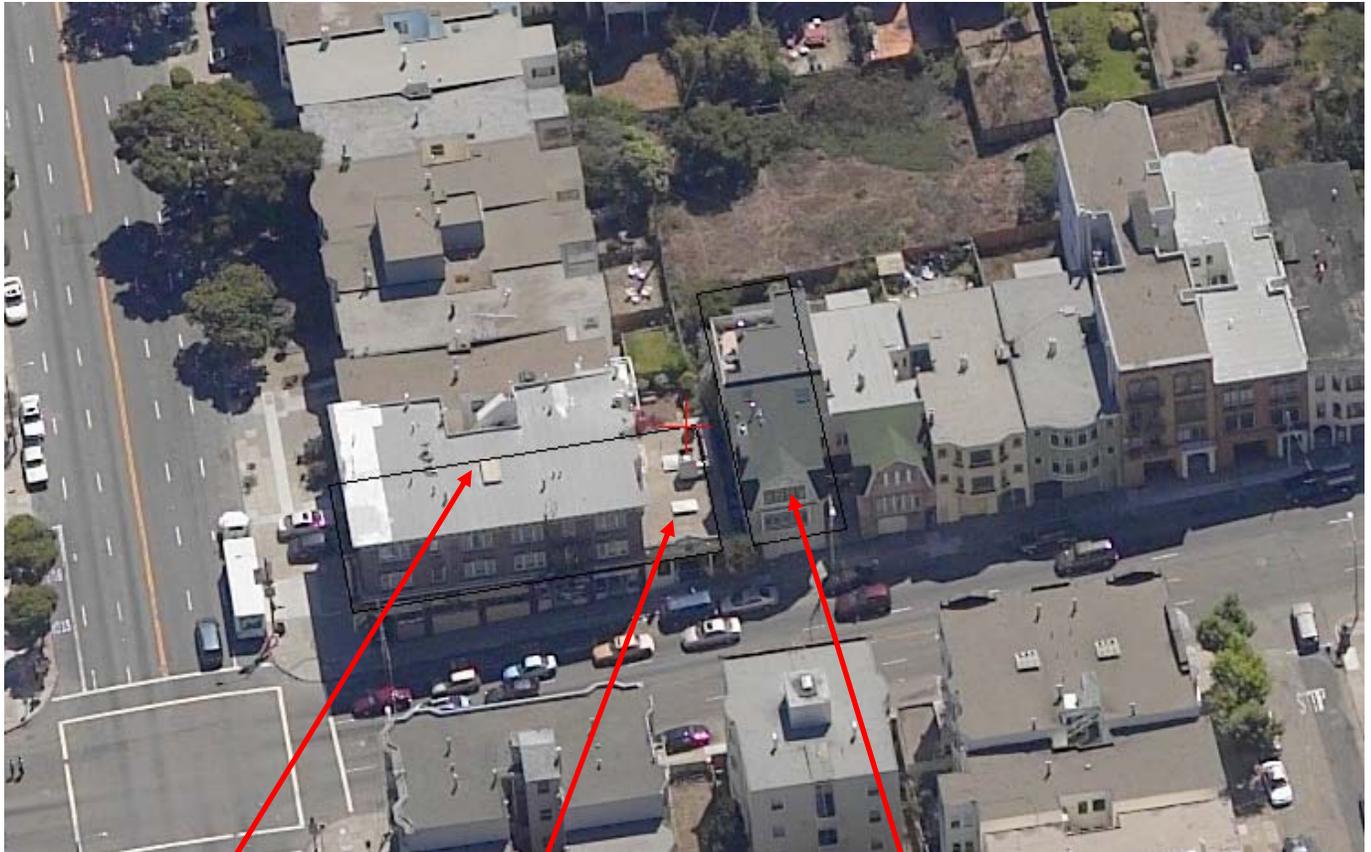
SUBJECT PROPERTY  
AT 1813 FULTON ST

DR REQUESTOR'S PROPERTY  
AT 601 MASONIC AVE

*\*The Aerial Maps reflect existing conditions in March 2009.*



# Aerial Photo\*



**DR REQUESTOR'S PROPERTY  
AT 601 MASONIC AVE**

**SUBJECT PROPERTY  
AT 1813 FULTON ST**

**DR REQUESTOR'S PROPERTY  
AT 1831 FULTON ST**

*\*The Aerial Maps reflect existing conditions in March 2009.*



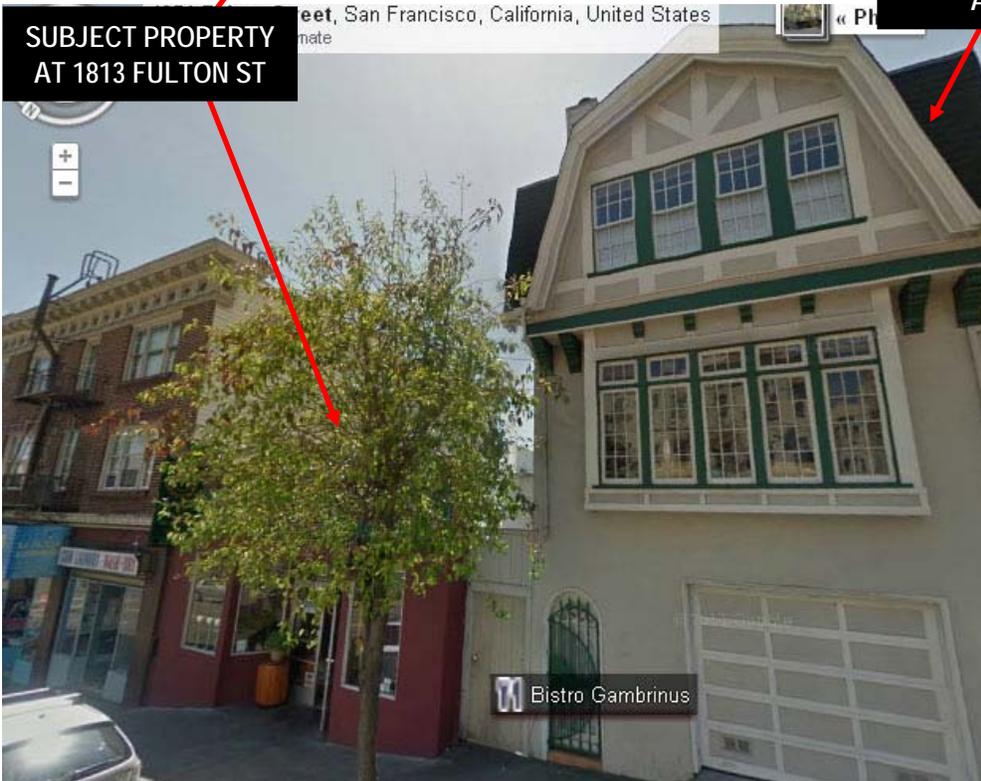
# Site Photo

## VIEW OF SUBJECT PROPERTY FROM FULTON ST



DR REQUESTOR'S PROPERTY  
AT 1831 FULTON ST

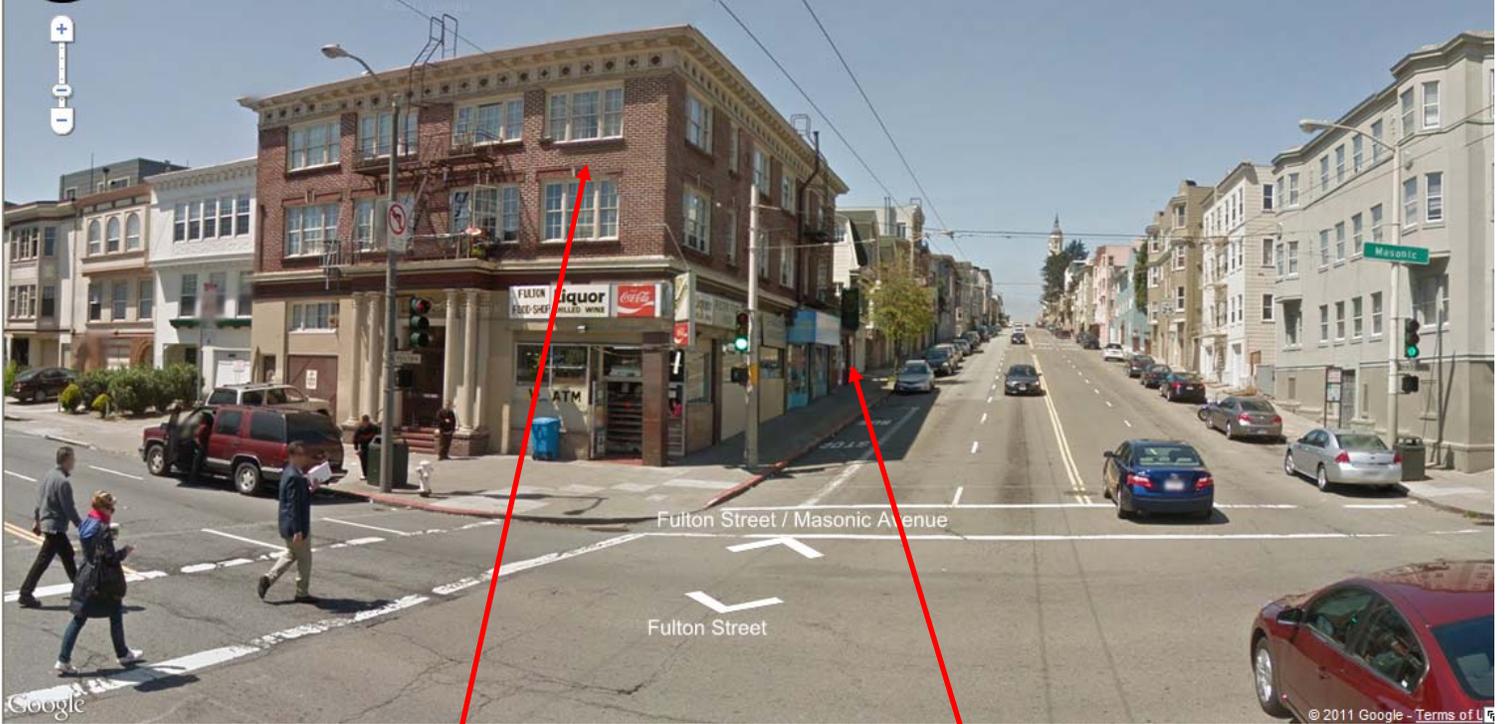
SUBJECT PROPERTY  
AT 1813 FULTON ST



Discretionary Review Hearing  
Case Number 2011.0879D  
1813 Fulton Street

# Site Photo

## VIEW OF SUBJECT BUILDING FROM MASONIC AVENUE



**DR REQUESTOR'S PROPERTY  
AT 601 MASONIC AVE**

**SUBJECT PROPERTY  
AT 1813 FULTON ST**

Discretionary Review Hearing  
**Case Number 2011.0879D**  
1813 Fulton Street

# Site Photo

## PHOTOS OF SUBJECT PROPERTY



Discretionary Review Hearing  
Case Number 2011.0879D  
1813 Fulton Street

# Site Photo

## PHOTOS OF SUBJECT PROPERTY



Discretionary Review Hearing  
Case Number 2011.0879D  
1813 Fulton Street

# APPLICATION FOR Discretionary Review

## 1. Owner/Applicant Information

DR APPLICANT'S NAME: Henry Tang and Natalya Iskenderova		
DR APPLICANT'S ADDRESS: 1831 Fulton St and 601 Masonic Blvd # 6	ZIP CODE: 94117	TELEPHONE: (415 )386-3665
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: Sergey Sharapov		
ADDRESS: 1813 Fulton St	ZIP CODE: 94112	TELEPHONE: (415 ) 850-6230
CONTACT FOR DR APPLICATION: Same as Above <input checked="" type="checkbox"/> <input type="checkbox"/>		
ADDRESS:	ZIP CODE:	TELEPHONE: ( )
E-MAIL ADDRESS:		

## 2. Location and Classification

STREET ADDRESS OF PROJECT: 1813 Fulton St		ZIP CODE: 94112
CROSS STREETS: Masonic Blvd.		
ASSESSORS BLOCK/LOT: 1187 /001	LOT DIMENSIONS:	LOT AREA (SQ FT): Appr. 950 sq ft
ZONING DISTRICT: NC-1 / 40-X		HEIGHT/BULK DISTRICT:

## 3. Project Description

Please check all that apply

Change of Use  Change of Hours  New Construction  Alterations  Demolition  Other Additions to Building: Rear  Front  Height  Side Yard 

Present or Previous Use: SELF SERVICE RESTAURANT

Proposed Use: FULL SERVICE RESTAURANT

Building Permit Application No. 2011/0510/5758 Date Filed:

11.0879D

4. Actions Prior to a Discretionary Review Request

Prior Action	YES	NO
Have you discussed this project with the permit applicant?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Did you discuss the project with the Planning Department permit review planner?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you participate in outside mediation on this case?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5. Changes Made to the Project as a Result of Mediation

If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the result, including any changes there were made to the proposed project.

## Discretionary Review Request

In the space below and on separate paper, if necessary, please present facts sufficient to answer each question.

1. What are the reasons for requesting Discretionary Review? The project meets the minimum standards of the Planning Code. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines? Please be specific and site specific sections of the Residential Design Guidelines.

Bistro Gambrinus is a high-volume sports bar which does not fit into the characteristics of the zoning designation. It generates high volume of traffic; employees, patrons and delivery vehicles constantly block the driveway of neighbors; generates noise until late at night; patrons and employees constantly smoking on the sidewalk. In short, it is a nuisance.

2. The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

No construction being contemplated. The bar is very open to the sidewalk which encourages smokers and loiterers to congregate on the sidewalk. Beer and menu placards block the sidewalk.

3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

Shorten hours of operation to reduce noise at night. Change construction design to keep patrons indoors.  
Restrict delivery hours.

11.08790

### Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

Signature:  Date: 8/14/11  
Print name, and indicate whether owner, or authorized agent: Natalya Iskenderova P.P. 

Owner / Authorized Agent (circle one)

# Discretionary Review Application Submittal Checklist

Applications submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and **signed by the applicant or authorized agent.**

REQUIRED MATERIALS (please check correct column)	DR APPLICATION
Application, with all blanks completed	<input checked="" type="checkbox"/> ✓
Address labels (original), if applicable	<input checked="" type="checkbox"/> ✓
Address labels (copy of the above), if applicable	<input checked="" type="checkbox"/> ✓
Photocopy of this completed application	<input checked="" type="checkbox"/> ✓
Photographs that illustrate your concerns	<input checked="" type="checkbox"/> ✓
Convenant or Deed Restrictions	<input checked="" type="checkbox"/> N/A
Check payable to Planning Dept.	<input checked="" type="checkbox"/> ✓
Letter of authorization for agent	<input type="checkbox"/> N/A
Other: Section Plan, Detail drawings (i.e. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (i.e. windows, doors)	<input checked="" type="checkbox"/> N/A

**NOTES:**

Required Material.

Optional Material.

Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

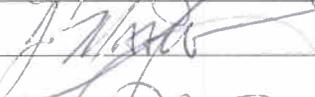
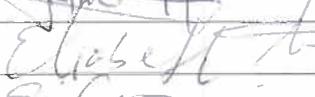
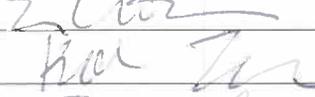
For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_

Date: \_\_\_\_\_

We, the undersigned, live immediately adjacent to Bistro Gambinus. We believe that Bistro Gambinus is more appropriately a sports bar rather than a restaurant. It has been operating as a sports bar or, at least, a full service bar since its inception. We do not believe that a sports bar fits into the character of the neighborhood. We oppose the granting of the change in use from self-service restaurant to a full service restaurant.

Name	Address	Phone	Signature
HENRY TANG	1831 Fulton St. SF. 94117	415 386 3665	
J. Misko (Self)	601 MASONIC AVE #2	756-4194	
A Vargas	601 Masonic Ave # 9	315 2555	
V SERRATO	601 MASONIC AVE # 9	395 2885	
WINE HERNANDEZ	601 MASONIC AVE #3	(415) 879-5069	
Elizabeth Finajem	1850 Fulton St. SF 94117	415-608-2414	
Erin Cowan	1820 Fulton #4 SF 94117	415-823-0645	
Kate Talbot	1829 Fulton St. SF 94117	925-286-3888	
Natalya Isrendepova	601 MASONIC #6 SF 94117	415-8762055	

We, the undersigned, live immediately adjacent to Bistro Gambrinus. We believe that Bistro Gambrinus is more appropriately a sports bar rather than a restaurant. It has been operating as a sports bar or, at least, a full service bar since its inception. We do not believe that a sports bar fits into the character of the neighborhood. We oppose the granting of the change in use from self-service restaurant to a full service restaurant.

DUPLICATE SIGNATURES

Name	Address	Phone	Signature
HENRY TANIGUCHI	1831 Fulton St. SF. 94117	415 386 3665	
J. MASKO (Jeff)	601 MASONIC AVE #2	756 4194	
A Vargas	601 Masonic Ave # 9	395 2885	
V SERRATO	601 MASONIC AVE # 9	395 2885	
WINE HERLANDO	601 MASONIC AVE #3	(415) 879-5064	
Elizabeth Tinajero	1850 Fulton St. SF 94117	415-608-2414	
Erin Corwin	1820 Fulton #4 SF 94117	415-823-0645	
Kate Talbot	1829 Fulton St. SF 94117	925-286-3938	
Natalya Iskenderova	601 MASONIC #6 SF 94117	415-8762055	
VERA Vagner	601 MASONIC AVE #5 SF 94117	415-3874618	
Michelle Dobrow	613 MASONIC AVE SF, CA 94117	415-666-3815	
NINA CONTRERAS	601 MASONIC AVE SF, CA #4 94117	415 572-2436	

11.0879D

2/3

We, the undersigned, live immediately adjacent to Bistro Gambrinus. We believe that Bistro Gambrinus is more appropriately a sports bar rather than a restaurant. It has been operating as a sports bar or, at least, a full service bar since its inception. We do not believe that a sports bar fits into the character of the neighborhood. We oppose the granting of the change in use from self-service restaurant to a full service restaurant.

Name	Address	Phone	Signature
Elias B... ..	601 Masonic #1 S.E.	N/A	Elias B...
K. Inoue S. IYATAK	597 Masonic Ave.	N/A	Richard J.

11.0879D

# HENRY TANG

August 18, 2011

Mr. Justin Gebb  
Alcoholic Beverage Control  
State of California  
71 Stevenson Street, Suite 1500  
San Francisco, CA 94105

RE: Bistro Gambrinus

Dear Mr. Gebb,

We have been in touch in the past, along with Ms. Danielle Shaver of your office, regarding the extension of Bistro Gambrinus' hours of operation in September 2010. We have had discussions which were never quite concluded.

It appears that Bistro Gambrinus has also been operating in violation of its zoning permit. It has a permit to operate as a self-service restaurant while the San Francisco Planning Department has determined it is not a self-service restaurant. It is now seeking to operate as a full-service restaurant. However, the numerous deliveries of beer (which trucks constantly block my driveway), the general appearance of the establishment (please see photos enclosed), the beer advertisement placards on the sidewalk, and the intoxicated patrons lead me to believe it is a sports bar rather than any restaurant.

In our previous discussions, you or Ms. Shaver mentioned Bistro Gambrinus holds a Type 41 liquor license under which it must sell as much or less alcoholic beverages than food. Please let me know if it is in compliance and how I can examine its compliance records. If your office does not have evidence of its compliance, I would like to request an audit of its revenues to show compliance.

Bistro Gambrinus continues to be a disturbance to the neighborhood, exacerbated by the increase in the hours of operation since September of 2010. As we discussed, its neighbors had been notified of its desire to extend its hours on a previous occasion (I believe in the Spring of 2010) and some of my neighbors and I objected then. I believe your office knew that many of us neighbors objected to the extension of hours. We were all surprised that we were not so notified when the hours were actually extended later that year.

# HENRY TANG

Page two

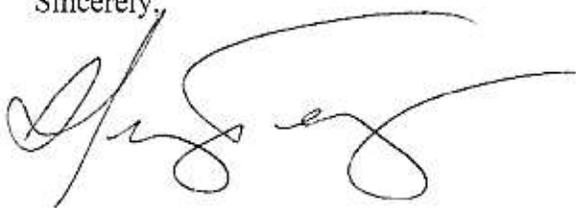
Patrons of Bistro Gambrinus are frequently intoxicated and almost always extremely noisy, disturbing my and neighbors' sleep and peaceful enjoyment of our homes. The noise is caused by the patrons' yelling and cheering while watching sports events on Bistro Gambrinus' television sets, by the exhaust fan on the roof of the establishment (right at the level of our residences which are on the second or third floor), and by its hosting of private events which include amplified singing well past its closing time.

Patrons almost always congregate on the sidewalks, smoking, drinking and loitering. They have been observed to urinate against the walls and create an uncomfortable and unsafe environment for the neighborhood. They also often enter into a neighboring Laundromat and disturb its users with their loitering and smoking.

These conditions have been made worse since the extension of hours in September of 2010. I am enclosing a copy of the Petition for Conditional License dated March 13, 2009. It refers to "substantial evidence of an identifiable problem." I inquired from you the nature of the identifiable problem and was referred to the San Francisco Police Department. When I contacted the SFPD, I was told that the reference to an identifiable problem was an error by the Department of Alcoholic Beverages. Could you please provide me with more information regarding this?

Thank you for your attention to this. I await your response to my requests (1) for information on Bistro Gambrinus' compliance with its Type 41 license and (2) information regarding the "identifiable problem" referred to by the Petition for Conditional License. If you have any questions, please call me at 415-441-6728.

Sincerely,



Enc:

1. Photos of the exterior and interior of Bistro Gambrinus
2. Petition for Conditional License

CC:

1. San Francisco Planning Department
2. San Francisco Supervisor Ross Mirkarimi, District 5



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11.087 9D



11.087 9D



11.08790

BEFORE THE  
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
OF THE STATE OF CALIFORNIA

*Type 41*

IN THE MATTER OF THE APPLICATION OF

NOBLEVISION LLC  
1813 Fulton St  
San Francisco, CA 94117-1213

} FILE 41-475582

} REG.

} PETITION FOR CONDITIONAL  
} LICENSE

For Issuance of an License

Under the Alcoholic Beverage Control Act

WHEREAS, petitioner(s) has/have filed an application for the issuance of the above-referred-to license(s) for the above-mentioned premises; and,

→ WHEREAS, the San Francisco Police Department, has provided the Department with substantial evidence of an identifiable problem which exists at the premises or in its immediate vicinity; and

WHEREAS, transfer of the existing unrestricted license would be contrary to public welfare and morals;

WHEREAS, pursuant to Business and Professions Code Section 23800 (e) the Department may grant a license transfer where the transfer with condition will mitigate problems identified by the local governing body or its designee; and,

WHEREAS, petitioner stipulates that by reason of the existence of substantial evidence of identifiable problems at the premises or its immediate vicinity, grounds exists for denial of said license transfer; and,

NOW, THEREFORE, the undersigned petitioner(s) do/does hereby petition for a conditional license as follows, to-wit:

1. The premises shall be maintained as a Bona Fide Eating Place and shall provide a menu containing an assortment of foods normally offered in such restaurants.
2. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.
3. Noise shall not be audible beyond the area under the control of the licensee as defined on the ABC-257 1-30-09.
- \* 4. Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 9:00 a.m. and 8:00 p.m. each day of the week.
5. Full and complete meals must be served whenever the privileges of the license are being exercised.
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. The petitioners shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.

*Rec'd*  
*10/12-10*

*ORIGINAL*

8. 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 removed the graffiti within 72 hours following the beginning of the next weekday.
9. 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.
10. 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.
11. Petitioner shall not make structural changes in the premises interior without prior written approval from the Department of Alcoholic Beverage Control.
12. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.

This petition for conditional license is made pursuant to the provisions of Sections 23800 through 23805 of the Business and Professions Code and will be carried forward in any transfer at the applicant-premises.

Petitioner(s) agree(s) to retain a copy of this petition on the premises at all times and will be prepared to produce it immediately upon the request of any peace officer.

The petitioner(s) understand(s) that any violation of the foregoing condition(s) shall be grounds for the suspension or revocation of the license(s).

DATED THIS 13 DAY OF MAR 2009  


August 19, 2011

Mr. Justin Gebb  
California Department of Alcoholic Beverage Control  
71 Stevenson St. Suite 1500  
San Francisco, CA 94105

RE: Bistro Gambrinus  
1813 Fulton Street

Dear Mr. Gebb,

I am writing to request information on the compliance status of the above referenced establishment. I understand that it holds a Type 41 liquor license and, as such, it requires that the revenues from the sale of alcoholic beverages are less than from the sales of food items.

Could you please tell me whether or not Bistro Gambrinus is satisfying the requirements of its liquor license? I am under the impression that it is primarily a sports bar. The number of beer deliveries it receives, its décor, and the boards it displays on the sidewalks, all oriented to the types of beer it serves, indicate it sells mostly beer.

If the Department of Alcoholic Beverage Control (ABC) is unsure whether Bistro Gambrinus is meeting the requirements of its license or not, I request that ABC conduct an audit of its sales. Please inform me whether and when you intend to conduct such an audit and whether Bistro Gambrinus is complying with the requirements of its license.

Bistro Gambrinus has been operating in violation of its City zoning permit. It alleged it was operating as a self-service restaurant while the City's Planning Department deemed it has been operating at least as a full service restaurant. In my view, it is a sports bar.

I live adjacent to the establishment and my windows open to the area directly above the establishment. I was surprised when its hours of operation were extended in the Fall of 2010. I and my neighbors were not notified nor given an opportunity to express our views. As a result of the extension of hours, my daughter, who is a medical student at nearby University of California, San Francisco campus, had to move out of our previously shared apartment, due to the increased noise level which prevented her from studying effectively.

Letter to:  
Mr. Justin Gebb  
August 19, 2011

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The presence of a sports bar such as Bistro Gambrinus in our neighborhood is disturbing to the residents of the vicinity. The noise level is very high (unlike with a legitimate restaurant as its liquor license requires) due to shouting and cheering at sports events shown on its large-screen TV. There are "parties" which may include amplified karaoke singing until 1 a.m. or later, well past its closing time.

The operation of the establishment's vent (on its roof, right outside my and my neighbors' windows) late into the night, even within its licensed operating hours, creates a loud noise disturbing my and my neighbors' sleep. The presence of drunks outside Bistro Gambrinus, frequently smoking and sometimes urinating on the sidewalks, spills into a Laundromat which I and my neighbors use. They create an uncomfortable if not unsafe atmosphere for the users of the Laundromat and for the neighborhood.

I and many of my neighbors believe that when the liquor license was acquired by Bistro Gambrinus from the previous establishment (a quiet coffee shop) it was a tremendous disservice to the neighborhood. It made my residence unlivable by my daughter and has made me and my neighbors far less comfortable in our own residences.

Please take whatever measures you have available to you to remove Bistro Gambrinus' liquor license or at least reduce its hours of operation in the evenings and nights.

Thank you for your attention. Should you have any questions or wish to discuss, you may reach me on my cell phone at (415) 876-2055.

Sincerely, 

Natalya Iskenderova  
601 Masonic Avenue, Apt. 6  
San Francisco, CA 94117

CC: San Francisco Supervisor Ross Mirkarimi, District 5  
San Francisco Planning Department

# HENRY TANG

October 2, 2011

Ms. Sharon M. Young  
Planner, NW Quadrant, Current Planning  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: Discretionary Review for Bistro Gambrinus – Supplemental Information

Dear Ms. Young,

We spoke on the phone a couple of week ago and you mentioned that it would be best to submit a package of Supplemental Information in support of my and Natalya Iskenderova's request for a Discretionary Review. Here is the information I'd like to submit.

### *Assaults by Bistro Gambrinus Patrons*

On Friday, August 26, 2011, my neighbor Natalya Iskenderova and I were assaulted by intoxicated patrons of Bistro Gambrinus. We each submitted two statements, one on the night of the assaults to the responding police officers and one on or about September 3, 2011, to Sergeant Michael Niland of the Park Station. I am attaching my and Natalya's statements to Sergeant Niland only, as I have not had access to the police statement submitted to the responding officers.

Please note that all attachments are on a CD-ROM which accompanies this letter.

We believe that we were assaulted because Bistro Gambrinus' owner, Sergey Sharapov, saw us taking photographs documenting his various violations of regulations, including being open and serving alcohol past 11 p.m., his required closing time, having crowds of drunk patrons on the sidewalks, patrons urinating and vomiting at the doorways of neighboring establishments. There is a photograph which shows Mr. Sharapov speaking to the women who had urinated and vomited with the two men who assaulted Natalya and me, attached. Natalya also observed Mr. Sharapov speaking to the two men. Then, the men attacked Natalya and me in separate locations and occurrences. I heard them saying "take his camera" and Natalya believes they were trying to take her camera also.

### *Letter to and Replies From Neighbors*

On August 29, 2011, Natalya and I sent out letters to our neighbors. We wanted to target only those who live or own property in the immediate vicinity. We used the same list of names and addresses as we submitted to the Planning Department along with our request

Letter to:  
Ms. Sharon M. Young  
October 2, 2011

Page 2

for a Discretionary Review. We are confident that the responses we obtained are from neighbors who had no motive but to keep our neighborhood safe and to preserve the character of our neighborhood.

We obtained 33 responses from different addresses. Some responses were sent by two residents of the same address (room-mates and/or spouses) – there are 38 individual names on the responses. I am attaching a copy of the letter we sent out and of the responses. Please note some of the comments that respondents jotted:

“We have called the restaurant on numerous occasions after 10 p.m. to ask them to tell their patrons to be quiet – They are consistently disruptive and rude and disobey the local noise ordinances for the neighborhood. They also have blocked our driveway on occasions when delivering beer.”

“Sorry for the delay – out of town. Thanks for doing this. Good Luck!”

“Thank you for doing this.”

#### *Appropriateness of the Full-Service Restaurant Designation*

According to Wikipedia, “‘Gambrinus’ is a legendary king of Flanders, and an unofficial patron saint of beer or beer brewing.” The decoration, the signs, and even the name indicate that the primary purpose of Bistro Gambrinus is to serve beer to patrons who watch and cheer at games shown on its wide screen television. Photos are attached. The noise of patrons is loud and disturbs the neighbors.

Bistro Gambrinus creates a nuisance and an unsafe environment to the residents of the neighborhood. Natalya has observed a young couple, drunk at night, in inappropriate sexual behavior in the coin-operated laundry adjacent to the bar.

I believe that Bistro Gambrinus would be more appropriately designated as a bar, where people under 21, particularly the students of neighboring University of San Francisco, would not be permitted.

#### *Conclusion*

Mr. Sharapov has consistently disregarded regulations and laws. His establishment is a threat to the neighborhood, not to mention to the its character and tranquility. I do not

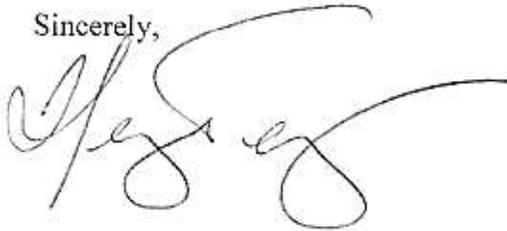
Letter to:  
Ms. Sharon M. Young  
October 2, 2011

Page 3

believe the Planning Department should grant Mr. Sharapov the requested Building Permit Application.

Thank you for including these materials in the Discretionary Review. Thank you also for all your work with our neighborhood.

Sincerely,

A handwritten signature in black ink, appearing to be 'Henry Tang', written in a cursive style.

Attachments on accompanying CD-ROM:

1. Natalya Iskenderova's police statement to Sergeant Niland
2. Henry Tang's police statement to Sergeant Niland
3. Photo of Natalya's assailant
4. Women urinating and vomiting in background
5. Photo of owner, women and assailants
6. Letter sent to neighbors
7. Responses from neighbors
8. 4 photos of Bistro Gambrinus décor as a bar

To Whom It May Concern:

My name is Natalya Iskenderova and I am a resident at 601 Masonic avenue, apt # 6, San Francisco CA 94117. I am writing to you to request a restraining order for myself in order to gain protection from Sergey Sharapov, owner of the Gambinus restaurant located at 1813 Fulton street SF CA 94117.

The purpose of getting this order is to physically protect myself in light of the fact that just last week I, a fifty years old woman, was physically assaulted, next to the restaurant, by customers of Mr. Sharapov. I no longer feel safe coming outside of my own house and simply going about doing my regular household errands. 09.03.2011 Mr. Sharapov was chasing me down the street and harass me as well as snapping pictures of me. By getting this restraining order, I hope to not only ensure my safety but also that he would not be able to approach me less than 100 yards, as well as to not be able to contact me in any way.

Recently, I along with another neighbor have filed an application for a discretionary review of Gambinus Restaurant. After the application has been filed, the owner of the restaurant failed to demonstrate any good will to improve the situation or intent to mend things with the neighbors and appease their complaints of the many violations the restaurant has committed. Some of the violations include extremely loud noise, long hours of operation well past the "closing time" of 11 pm, lewd conduct of the restaurant's patrons. All of this brings a lot of emotional stress into my life as well as impacts the quality of my life. I am simply unable to get seven hours of sleep and this has been affecting my work performance immensely. I believe that ever since I have filed the paperwork for the discretionary review the situation has spiraled out of the control.

On 08/27/2011 CAD 112393370 After police was called due to excessive noise around 11:30 pm, the staff has explicitly told the police officer that and I quote: "we are selling alcohol till 11 pm but we have rights to be open twenty four hours a day". Please, take a moment to wrap your mind regarding an obnoxious and offensive nature of that statement.

On 08/26/2011 Case # 110-686-689, the restaurant has hosted a very loud birthday party after 11 pm. The patrons of the restaurant have acted in the utterly disgusting manner: urinating on the side walk of Fulton Street, vomiting and their lewd conduct was caught by me on camera.

The next three statements are written to illustrate why I no longer feel safe and to explain precisely why I am asking for protection from Mr. Sharapov:

*Natalya Iskenderova*

1. As I have mentioned before, recently I was physically assaulted by two Gambinus restaurant patrons. I believe the intent of the attack was to steal and destroy the camera I have used to document the lewd behavior of the restaurant's patrons. Before the attack, I have seen one men who have assaulted me, converse directly with Mr. Sharapov. I believe he was instructing them to take my camera because it had evidence. One of my attackers is in pictures I took and Henry took.

2. On 08/26/2011 The police officer I was conversing with, has asked me to go home in order to get my California ID. As I walked home, Mr. Sharapov has followed me down the street from the Laundromat area where he was cleaning vomit of the sidewalk, all the way down to my house. While following me, he has attempted to speak to me and has asked me to not file a police report. I have requested from him to please leave me alone. Despite my request, he has continued following me home and talking to me all the way up until I have locked the front door. I have reported this incident to the police that night as well.

3. On 09/03/2011 Sergey Sharapov has followed me around my neighborhood and without any apparent reason took pictures of me with his camera on at least five separate instances. One of them while he was standing directly in front of me less than 3 yards away while I was entering a neighbor's ( Henry Tang) home. He was very combative in his demeanor and clearly trying to instigate conflict. He has jumped out of the corner as I was walking up to my neighbor's home and started snapping pictures of me. I believe by doing so he was trying to intimidate me and scare me out of following up with the discretionary review paperwork. In the meanwhile, I, on the other hand, have never taken any pictures of Mr. Sharapov directly or his restaurant, just only of the obscene offensive behavior of the restaurant's patrons, near Laundromat area, urinating and vomiting publicly and solely with the purpose of documenting how negatively his restaurant's patrons affect our community.

Due to the actions of Mr. Sharapov and him following me around the neighborhood, I no longer feel safe going out in public in my own neighborhood. I don't feel safe going out and doing my laundry because the Laundromat is right next to the restaurant. I can't use a bus stop on the corner of Fulton street because I feel unsafe being on the street with Mr. Sharapov frequently following me and harassing me.

The only solution to this problem I see to remedy the situation under control is to gain a restraining order from Mr. Sharapov to protect myself as well as to feel safe once again.

*Natalya Iovudenez*

Sincerely,

Natalya Iskenderova

601 Masonic avenue # 6

San Francisco CA 94117

*Natalya Iskenderova*  
*9.6.2011,*

INCIDENT NO. 110686639

page 1 of 4

NAME (LAST, FIRST, MIDDLE) OF PERSON GIVING STATEMENT: TANG, HENRY  
DOB / AGE: 2/26/49  
RESIDENCE PHONE (DAY / NIGHT): 415 386-3665  
BUSINESS PHONE (DAY/NIGHT): 415 441-6728

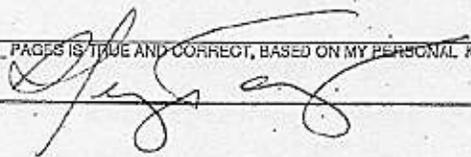
RESIDENCE ADDRESS / CITY IF NOT SAN FRANCISCO: 1831 FULTON ST  
ZIP CODE: 94117  
BUSINESS ADDRESS / CITY IF NOT SAN FRANCISCO:  
ZIP CODE:

DATE OF STATEMENT: SEPT 3, 2011  
TIME STARTED:  
TIME COMPLETED:  
LOCATION WHERE STATEMENT TAKEN: AT SCENE  OTHER: 1831 FULTON ST

STATEMENT TAKEN BY (NAME / STAR):  
IN PRESENCE OF:

SEE SIGNED ATTACHMENT

I DECLARE, UNDER PENALTY OF PERJURY, THIS STATEMENT OF 4 PAGES IS TRUE AND CORRECT, BASED ON MY PERSONAL KNOWLEDGE.

SIGNATURE OF PERSON GIVING STATEMENT: 

ATTACHMENT  
INCIDENT REPORT STATEMENT  
INCIDENT (CASE NUMBER) 110-686-639

NAME: Tang, Henry           AGE: 62  
RESIDENCE PHONE: 415-386-3665           CELL PHONE: 415-441-6728  
RESIDENCE ADDRESS: 1831 Fulton St. S.F., CA 94117  
DATE OF STATEMENT: September 3, 2011   TIME STARTED: 10:30 a.m.

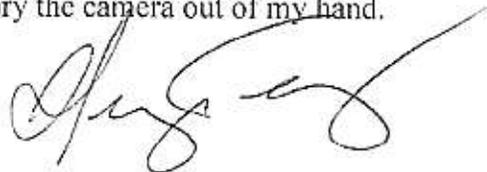
On Friday, August 26, 2011, at around 11:10 p.m., I heard loud yelling, laughing and general crowd noises coming from Bistro Gambrinus (1813 Fulton St), a sports bar immediately adjacent to where I live (1831 Fulton St). Drawn by the noise, I came outside my home and saw large crowds overflowing from the bar onto the sidewalk, smoking, drinking and making noise (see photo "Crowd").

I walked across the street and photographed the groups in front of my home in order to obtain documentation of the crowd activity (see photo "Crowd2"). I decided to call the non-emergency number for the SFPD to report noise, so I re-entered my home. After placing the call, I decided to wait for the police to arrive. I left my home again.

As I exited, I saw my neighbor, Natalya Iskenderova, walking up Fulton St. I saw a man menace her (see photo "Menace" please note the women urinating and vomiting in the background of the photo). I decided to approach and see what the matter was. I noticed that there were two women in the doorway of a neighboring establishment, a coin-operated laundromat, one who was urinating and another vomiting (see also photo "Soiled floor"). I was told to leave by the man menacing Natalya and others. I photographed the women (see photo "Doorway") and was immediately struck on the head by one of the men in the photo. I'm not sure whether he struck me with his fist or with something in his hand.

The photo shows the two women who were urinating and vomiting, Mr. Sergey Sharapov (who is the owner of Bistro Gambrinus), my assailant, and the person who assaulted Natalya, all together.

I stumbled away and called 911 from my cell. While talking to the dispatcher, I noticed that my assailant was leaving along with the women who were vomiting and urinating and others, walking up (Westward) Fulton St. I proceeded to follow at a cautious distance (about 150 ft) still in phone contact with Police Dispatch. I noticed one or two men run towards the group I was following and then back to the bar. About 1 or 2 minutes later, when we were at the corner of Ashbury St, a few men rushed me from behind. I heard them say "get his camera." I ran across the street and was knocked down by them and by a couple of men from the group with the man who originally assaulted me. About 4 people kicked my left side several time and hit and grabbed my right arm several time (see photos "Henry side bruises" and "Henry arm bruises"). I was holding my camera in my right hand. They tried to pry the camera out of my hand.



With regards to the bruises, in a meeting with Sergeant Michael Niland of the SFPD at Park Station, on Thursday, September 1, I was asked to display my bruises. At that time, the bruises had turned purple and yellow, and probably would have shown up in a more pronounced manner in photos.

As I lay on the street struggling to keep my camera and being beaten, the patrol car approached. The 4 men who were attacking me fled towards the bar (Eastward on Fulton St). I identified myself to the patrol car and pointed out my original assailant. One Officer detained the first assailant and the second came to speak to me and to take my statement. He asked me if I had my ID with me. When I said that I didn't and that I lived down the block, he walked down Fulton St (Eastward) with me for me to get my ID from my home. On the way back, walking up Fulton (Westward), Mr. Sharapov approached us and started speaking to both me and the Officer. The Officer heard him and then asked him to leave.

We continued our way back to the patrol car and I provided a statement to the Officer (I was out of breath and breathing hard). I discovered I had a bump on my head (covered by my hair) and pointed it out to the Officer taking my statement. He did not want to feel my head but assured me that he would record in my statement that there was such a bump.

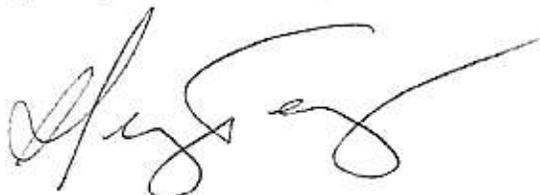
At this point, I saw Natalya down the block. I waved at her to approach us. When she arrived, I was surprised to discover that she, too, has been assaulted. I mentioned that to the Officer who asked whether she had her ID with her. When she stated she did not, the Officer asked her to go home to retrieve it. As she was walking down Fulton St (Eastward), I noticed Mr. Sharapov approach her and walk next to her down the hill.

When she returned, she gave her statement in which she said she saw her assailant speak with Mr. Sharapov prior to being assaulted and that her assailants also tried to take her camera. I believe that Mr. Sharapov asked both Natalya's assailants and my assailants to take our cameras in the conversation she witnessed. My photo ("Doorway") shows that both assailants, the woman vomiting in the doorway and Mr. Sharapov are connected.

After concluding my statement, I thanked the responding Police Officers for essentially saving my neck. I am sure had they not arrived, my beating would have been far more severe.

### **Supplementary Statement**

This is an escalation of an ongoing situation between the bar and residents of the neighborhood. The bar has consistently disregarded its neighbors by being open past its zoned operating hours and attracting unruly customers from outside of the neighborhood. I understand that my assailant, detained by the police, is from Belmont.

A handwritten signature in black ink, appearing to be 'S. Sharapov', written in a cursive style.

On Saturday, August 27, Bistro Gambrinus was again open past its required closing time of 11:00 p.m. There was substantial noise.

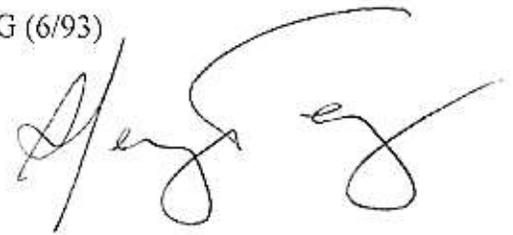
On February 15, 2011, there were crowds on the sidewalk past the closing time. I witnessed a patron of the bar urinating against the wall between the bar and my home.

I am also attaching:

1. Photos of Bistro Gambrinus showing that the décor is entirely oriented towards beer (see photos "Gambrinus 1 - 4) with a big-screen TV for sports.
2. Note that "Gambrinus," according to Wikipedia, is the patron saint of beers and beer making.
3. Note photo "Old Conditions" which shows several violations of California Alcoholic Beverage Control ("ABC") regulations. This photo has been submitted to ABC and ABC has already acted on it.
4. Small petition I circulated in response to comment by Supervisor Ross Mirkarimi who wanted to ensure that I was not alone in objecting to Bistro Gambrinus. The petition was targeted to only my neighbors in the buildings immediately adjacent to Bistro Gambrinus.
5. Letter from Bistro Gambrinus to signers of my petition stating that they are in compliance with regulations which is untrue.
6. Letter from Natalya and me to the neighbors documenting the events and the assaults.

**Note**

Page 1 is the "Incident Report Statement" form (SFPD377 G (6/93))

A handwritten signature in black ink, appearing to be 'A. S. S.', written in a cursive style.



ALTER

LAUNDRY

SERVICE

STORE HOURS  
MON - FRI 10:00 - 10:00  
SAT 10:00 - 10:00  
SUN 10:00 - 10:00  
THANK YOU

LAUNDRY - WASH - DRY





SOAP  
BLEACH  
SOFTENERS

1811

08/26/2011 23:35

August 29, 2011

Dear Neighbor,

This past weekend, on Friday, August 26, both of us were assaulted by patrons of Bistro Gambrinus at 1813 Fulton St. The assault and beating happened late at night, well after Bistro Gambrinus was required to close in accordance with its liquor license. Bistro Gambrinus, which is operating more as a sports bar, has been operating against regulations since its inception.

*S.F. Planning Department*

The location at which the sports bar is operating is zoned by the SF Planning Department for a self-service restaurant, like the coffee shop that operated there before. It has been operating either as a sports bar or a full-service restaurant in violation of its zoning permit. After neighbors complained and the Planning Department investigated, it is now trying to change its status to a full-service restaurant without which it cannot operate as it does currently.

The SF Planning Department will likely notify you in the next weeks by mail that there will be a hearing once it's scheduled. We urge you to join us in attending if you possibly can (usually it's during business hours at City Hall) and to voice your concerns or opposition to the change.

*California Department of Alcoholic Beverage Control*

The former coffee shop's liquor license was sold to the sports bar. The license comes with requirements for hours of operation. Originally, it was required to close by 8 p.m. every day (the coffee shop closed well before 8). Somehow, it appears that the closing time was extended to 11 p.m. without notification of its neighbors, not even the residents of the buildings immediately adjacent to it. It is questionable whether or not the extension of hours was according to regulations.

Even having extended its hours, it is still violating its liquor license. Both on Friday, August 26 and Saturday August 27 (and on many other occasions), it was still open for business past 11:30 p.m. Even well after it finally closes, its patrons, frequently drunk, are still congregating on the sidewalk in the bar's immediate vicinity, yelling, smoking, making loud noises and creating an unsafe environment for the residents of the neighborhood returning home and trying to sleep.

*The Assaults*

On Friday, both of us independently called the SFPD to complain about the noise level well after the required closing time. Crowds from the bar were all congregating on the sidewalk, disturbing the neighbors. As discussed with the SFPD, we were waiting to meet

with the police officers dispatched in response to the noise complaint. We noticed intoxicated people vomiting and urinating in the doorways of the homes and businesses next to the bar. When we attempted to photograph them to document typical occurrences since the bar started operating, we were individually chased and beaten by separate groups of patrons of the bar. Both of us suffered injuries and Natalya had to go to the hospital to treat her injuries. We do not believe they live in the neighborhood. Many of them were speaking Russian, as does the owner of the bar.

### *The Bar as a Neighborhood Hazard and Nuisance*

Since Bistro Gambinus opened, its neighbors have been severely inconvenienced. There are frequent crowds of unruly, unpleasant, drunk patrons congregating on the sidewalk around the bar – smoking, drinking and sometimes urinating or vomiting and being intimidating. Some were seen in the public coin-operated laundry immediately next door in highly inappropriate (sexual) behavior. The patrons, frequently from outside our neighborhood, create an unsafe and even threatening environment for the neighborhood.

The bar's patrons, beer delivery trucks, employees, and primarily owner, insistently park in front of the neighbors' driveways. The bar stuffs its garbage in its neighbors' garbage cans. The bar had incidences of graffiti, spilling to its neighbors' doors and walls. Natalya's daughter, a graduate student, had to move out of the neighborhood as the noise and unsafe environment made it impossible for her to study.

### *Please Join Us at the Planning Department Hearing*

We, the neighbors, were pleased with the operation of a coffee shop as it was before. We would like the return of a coffee shop more in keeping with the character and nature of our neighborhood. Please make an effort to attend the Planning Department hearing when it is scheduled and you are notified. Whether or not you can attend, please sign and mail the attached letter for us to show the Planning Department.

Please feel free to contact Henry at [henrytango@hotmail.com](mailto:henrytango@hotmail.com) or Natalya at [inara03@hotmail.com](mailto:inara03@hotmail.com) should you wish to discuss or have any questions.

Your neighbors,



Natalya Iskenderova  
601 Masonic Ave., # 6  
San Francisco, CA 94117



Henry Tang  
1831 Fulton St.  
San Francisco, CA 94117

To: The San Francisco Planning Department  
California Department of Alcoholic Beverage Control

I \_\_\_\_\_, resident at  
\_\_\_\_\_, San Francisco, hereby state

that I am opposed to the change in use of Bistro Gambrinus, or any entity at that location,  
from a self-service restaurant to a full-service restaurant, as is being considered by the  
S.F. Planning Department. I also request that its compliance with applicable liquor  
license requirements be examined.

Thank you,

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

To: The San Francisco Planning Department  
California Department of Alcoholic Beverage Control

we, Katherine Brundage & Benjamin Richards, resident at

1850 Fulton St. #2, San Francisco, hereby state

<sup>we are</sup> that ~~I~~ am opposed to the change in use of Bistro Gambrinus, or any entity at that location,

from a self-service restaurant to a full-service restaurant, as is being considered by the

<sup>we</sup> S.F. Planning Department. ~~I~~ also request that its compliance with applicable liquor

license requirements be examined.

Thank you,

Kate Brundage  
Signature

9/5/11  
Date

We have called the restaurant on numerous occasions after 10 PM to ask them to tell their patrons to be quiet - They are consistently disruptive & rude, & disobey the local noise ordinances for the neighborhood. They also <sup>have</sup> blocked our driveway on occasions when delivering beer.

To: The San Francisco Planning Department  
California Department of Alcoholic Beverage Control

I Dea Jasmya Madden homeowner  
resident at

2001 McAllister St. #153, San Francisco, hereby state

that I am opposed to the change in use of Bistro Gambrinus, or any entity at that location,  
from a self-service restaurant to a full-service restaurant, as is being considered by the  
S.F. Planning Department. I also request that its compliance with applicable liquor  
license requirements be examined.

Thank you,

  
Signature

9/15/11  
Date

To: The San Francisco Planning Department  
California Department of Alcoholic Beverage Control

I NICK NG, resident at

500 MASONIC #7, San Francisco, hereby state

that I am opposed to the change in use of Bistro Gambrinus, or any entity at that location,  
from a self-service restaurant to a full-service restaurant, as is being considered by the  
S.F. Planning Department. I also request that its compliance with applicable liquor  
license requirements be examined.

Thank you,



Signature

9/15/11

Date

To: The San Francisco Planning Department  
California Department of Alcoholic Beverage Control

I GEORGE DOUBLEDAY, resident at  
2001 McALLISTER ST., San Francisco, hereby state

that I am opposed to the change in use of Bistro Gambrinus, or any entity at that location,  
from a self-service restaurant to a full-service restaurant, as is being considered by the  
S.F. Planning Department. I also request that its compliance with applicable liquor  
license requirements be examined.

Thank you,

George Doubleday  
Signature

9-14-11  
Date

SORRY FOR THE  
DELAY - OUT OF  
TOWN.

THANKS FOR  
DOING THIS -  
GOOD LUCK!

g!

To: The San Francisco Planning Department  
California Department of Alcoholic Beverage Control

I DEBORAH DRUCKER <sup>OWNER</sup>, resident at

2001 MALLISTER # 210, San Francisco, hereby state

that I am opposed to the change in use of Bistro Gambrinus, or any entity at that location,  
from a self-service restaurant to a full-service restaurant, as is being considered by the  
S.F. Planning Department. I also request that its compliance with applicable liquor  
license requirements be examined.

Thank you,

Deborah Drucker  
Signature

9/12/2011  
Date

To: The San Francisco Planning Department  
California Department of Alcoholic Beverage Control

I Erin Cronin + Annie Pentilla, resident at  
1820 Fulton # 4, San Francisco, hereby state

that I am opposed to the change in use of Bistro Gambrinus, or any entity at that location,  
from a self-service restaurant to a full-service restaurant, as is being considered by the  
S.F. Planning Department. I also request that its compliance with applicable liquor  
license requirements be examined.

Thank you,

Erin Cronin + Annie Pentilla  
Signature

9-3-11 9-7-11  
Date

To: The San Francisco Planning Department  
California Department of Alcoholic Beverage Control

I ADAM WOOD, resident at

2001 McALLISTER #227, San Francisco, hereby state

that I am opposed to the change in use of Bistro Gambrinus, or any entity at that location,  
from a self-service restaurant to a full-service restaurant, as is being considered by the  
S.F. Planning Department. I also request that its compliance with applicable liquor  
license requirements be examined.

Thank you,

Adam Wood  
Signature

9-5-11  
Date

To: The San Francisco Planning Department  
California Department of Alcoholic Beverage Control

I Robin Cunningham, resident at  
1850 Fulton #5, San Francisco, hereby state

that I am opposed to the change in use of Bistro Gambrinus, or any entity at that location,  
from a self-service restaurant to a full-service restaurant, as is being considered by the  
S.F. Planning Department. I also request that its compliance with applicable liquor  
license requirements be examined.

Thank you,

  
Signature

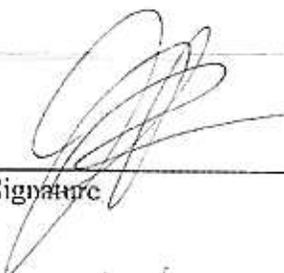
10-11-11  
Date

To: The San Francisco Planning Department  
California Department of Alcoholic Beverage Control

I Juliette James & Floyd Johnson, resident at  
655 Masonic Ave, San Francisco, hereby state

that I am opposed to the change in use of Bistro Gambrinus, or any entity at that location,  
from a self-service restaurant to a full-service restaurant, as is being considered by the  
S.F. Planning Department. I also request that its compliance with applicable liquor  
license requirements be examined.

Thank you,

  
\_\_\_\_\_  
Signature

9/3/11  
\_\_\_\_\_  
Date

To: The San Francisco Planning Department  
California Department of Alcoholic Beverage Control

I DARIANA RASS, resident at  
1854 GROVE STREET, San Francisco, hereby state

that I am opposed to the change in use of Bistro Gaminus, or any entity at that location,  
from a self-service restaurant to a full-service restaurant, as is being considered by the  
S.F. Planning Department. I also request that its compliance with applicable liquor  
license requirements be examined.

Thank you,

Signature

*Dariana Rass*

Date

9/7/2011

To: The San Francisco Planning Department  
California Department of Alcoholic Beverage Control

I Jesse Shute, resident at  
2001 McAllister St., San Francisco, hereby state

that I am opposed to the change in use of Bistro Gambrinus, or any entity at that location,  
from a self-service restaurant to a full-service restaurant, as is being considered by the  
S.F. Planning Department. I also request that its compliance with applicable liquor  
license requirements be examined.

Thank you,

Jesse Shute  
Signature

9.2.11  
Date

To: The San Francisco Planning Department  
California Department of Alcoholic Beverage Control

I JIMMY A. NODDEN, resident at  
1708 FULTON STREET, San Francisco, hereby state

that I am opposed to the change in use of Bistro Gambrinus, or any entity at that location,  
from a self-service restaurant to a full-service restaurant, as is being considered by the  
S.F. Planning Department. I also request that its compliance with applicable liquor  
license requirements be examined.

Thank you,

  
\_\_\_\_\_  
Signature

9/5/11  
\_\_\_\_\_  
Date

To: The San Francisco Planning Department  
California Department of Alcoholic Beverage Control

I Becky A. Casile <sup>owner</sup> ~~resident at~~

2001 McAllister St., Apt. 119, San Francisco, hereby state

that I am opposed to the change in use of Bistro Gambrinus, or any entity at that location,

from a self-service restaurant to a full-service restaurant, as is being considered by the

S.F. Planning Department. I also request that its compliance with applicable liquor

license requirements be examined.

Thank you,

Becky A. Casile  
Signature

09/06/2011  
Date

To: The San Francisco Planning Department  
California Department of Alcoholic Beverage Control

I Kevin Tan, resident at

601 Masonic, Apt 9, San Francisco, hereby state

that I am opposed to the change in use of Bistro Gambrinus, or any entity at that location,  
from a self-service restaurant to a full-service restaurant, as is being considered by the  
S.F. Planning Department. I also request that its compliance with applicable liquor  
license requirements be examined.

Thank you,

  
Signature

8/30/11  
Date

To: The San Francisco Planning Department  
California Department of Alcoholic Beverage Control

I CARMEN SANCHEZ, resident at  
626 Masonic, San Francisco, hereby state

that I am opposed to the change in use of Bistro Gambrinus, or any entity at that location,  
from a self-service restaurant to a full-service restaurant, as is being considered by the  
S.F. Planning Department. I also request that its compliance with applicable liquor  
license requirements be examined.

Thank you,

Carmen Sanchez  
Signature

9.6.2011  
Date

To: The San Francisco Planning Department  
California Department of Alcoholic Beverage Control

I NINA CONTRERAS, resident at  
601 MASONIC AVE. #4, San Francisco, hereby state

that I am opposed to the change in use of Bistro Gambrinus, or any entity at that location,  
from a self-service restaurant to a full-service restaurant, as is being considered by the  
S.F. Planning Department. I also request that its compliance with applicable liquor  
license requirements be examined.

Thank you,

  
Signature

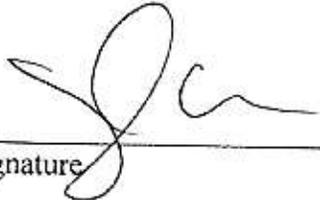
09/02/2011  
Date

To: The San Francisco Planning Department  
California Department of Alcoholic Beverage Control

I Jose Ison, resident at  
Petruinis, San Francisco, hereby state

that I am opposed to the change in use of Bistro Gambrinus, or any entity at that location,  
from a self-service restaurant to a full-service restaurant, as is being considered by the  
S.F. Planning Department. I also request that its compliance with applicable liquor  
license requirements be examined.

Thank you,

Signature 

Date 9/6/2011

To: The San Francisco Planning Department  
California Department of Alcoholic Beverage Control

I ARON BRAUN + LAURIE GOGUEN, resident<sup>s</sup> at  
1850 FULTON ST #3, San Francisco, hereby state

that I am opposed to the change in use of Bisiro Gambrinus, or any entity at that location,  
from a self-service restaurant to a full-service restaurant, as is being considered by the  
S.F. Planning Department. I also request that its compliance with applicable liquor  
license requirements be examined.

Thank you,

Li a. f. AND Laurie Goguen  
Signature

9/4/11  
Date

To: The San Francisco Planning Department  
California Department of Alcoholic Beverage Control

I Heike Rapp, resident at  
1852 Grove St, San Francisco, hereby state

that I am opposed to the change in use of Bistro Gambrinus, or any entity at that location,  
from a self-service restaurant to a full-service restaurant, as is being considered by the  
S.F. Planning Department. I also request that its compliance with applicable liquor  
license requirements be examined.

Thank you,

H. Rapp  
Signature

3 Sept 11  
Date

To: The San Francisco Planning Department  
California Department of Alcoholic Beverage Control

I MONICA VASQUEZ, resident at  
1808 FULTON ST. APT 3, San Francisco, hereby state

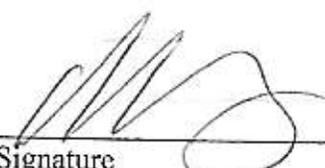
~~that I am opposed to the change in use of Bistro Gambrinus, or any entity at that location,~~

from a self-service restaurant to a full-service restaurant, as is being considered by the

S.F. Planning Department. I also request that its compliance with applicable liquor

license requirements be examined.

Thank you,

  
Signature

8/31/11  
Date

To: The San Francisco Planning Department  
California Department of Alcoholic Beverage Control

I Susan J Bohlender, resident at  
2001 McAllister St #148, San Francisco, hereby state

that I am opposed to the change in use of Bistro Gambrinus, or any entity at that location,  
from a self-service restaurant to a full-service restaurant, as is being considered by the  
S.F. Planning Department. I also request that its compliance with applicable liquor  
license requirements be examined.

Thank you,

Susan J Bohlender  
Signature 415. 994. 2019 (cell)

9.1.2011

Date

with the police officers dispatched in response to the noise complaint. We noticed intoxicated people vomiting and urinating in the doorways of the homes and businesses next to the bar. When we attempted to photograph them to document typical occurrences since the bar started operating, we were individually chased and beaten by separate groups of patrons of the bar. Both of us suffered injuries and Natalya had to go to the hospital to treat her injuries. We do not believe they live in the neighborhood. Many of them were speaking Russian, as does the owner of the bar.

*The Bar as a Neighborhood Hazard and Nuisance*

Since Bistro Gambrinus opened, its neighbors have been severely inconvenienced. There are frequent crowds of unruly, unpleasant, drunk patrons congregating on the sidewalk around the bar – smoking, drinking and sometimes urinating or vomiting and being intimidating. Some were seen in the public coin-operated laundry immediately next door in highly inappropriate (sexual) behavior. The patrons, frequently from outside our neighborhood, create an unsafe and even threatening environment for the neighborhood.

The bar's patrons, beer delivery trucks, employees, and primarily owner, insistently park in front of the neighbors' driveways. The bar stuffs its garbage in its neighbors' garbage cans. The bar had incidences of graffiti, spilling to its neighbors' doors and walls. Natalya's daughter, a graduate student, had to move out of the neighborhood as the noise and unsafe environment made it impossible for her to study.

*Please Join Us at the Planning Department Hearing*

We, the neighbors, were pleased with the operation of a coffee shop as it was before. We would like the return of a coffee shop more in keeping with the character and nature of our neighborhood. Please make an effort to attend the Planning Department hearing when it is scheduled and you are notified. Whether or not you can attend, please sign and mail the attached letter for us to show the Planning Department.

Please feel free to contact Henry at [henrytango@hotmail.com](mailto:henrytango@hotmail.com) or Natalya at [inara03@hotmail.com](mailto:inara03@hotmail.com) should you wish to discuss or have any questions.

Your neighbors,

*Natalya  
Iskenderova*

Natalya Iskenderova  
601 Masonic Ave., # 6  
San Francisco, CA 94117

*Henry Tang*

Henry Tang  
1831 Fulton St.  
San Francisco, CA 94117

*Thank-you for doing this ~  
Lurie*

To: The San Francisco Planning Department  
California Department of Alcoholic Beverage Control

I Elizabeth + Ryan Wright, resident at

2001 McAllister St, San Francisco, hereby state

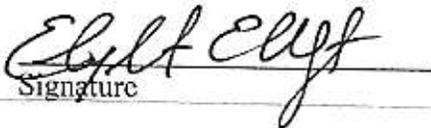
that I am opposed to the change in use of Bistro Gambrinus, or any entity at that location,

from a self-service restaurant to a full-service restaurant, as is being considered by the

S.F. Planning Department. I also request that its compliance with applicable liquor

license requirements be examined.

Thank you,

  
Signature

9/1/11  
Date

To: The San Francisco Planning Department  
California Department of Alcoholic Beverage Control

I VANIJANA ASAIKAR, resident at  
2001 McAllister St., San Francisco, hereby state

that I am opposed to the change in use of Bistro Gambrinus, or any entity at that location,  
from a self-service restaurant to a full-service restaurant, as is being considered by the  
S.F. Planning Department. I also request that its compliance with applicable liquor  
license requirements be examined.

Thank you,

  
Signature

9/1/2011  
Date

To: The San Francisco Planning Department  
California Department of Alcoholic Beverage Control

I Vicky Pung, resident at  
2001 McAllister, San Francisco, hereby state

that I am opposed to the change in use of Bistro Gambrinus, or any entity at that location,  
from a self-service restaurant to a full-service restaurant, as is being considered by the  
S.F. Planning Department. I also request that its compliance with applicable liquor  
license requirements be examined.

Thank you,

Signature



Date

8/30/11

To: The San Francisco Planning Department  
California Department of Alcoholic Beverage Control

I LOUISE DUBBERKE, resident at

2001 McALLISTER ST. # 113, San Francisco, hereby state

that I am opposed to the change in use of Bistro Gambrinus, or any entity at that location,

from a self-service restaurant to a full-service restaurant, as is being considered by the

S.F. Planning Department. I also request that its compliance with applicable liquor

license requirements be examined.

Thank you,



Signature

8/30/11

Date

To: The San Francisco Planning Department  
California Department of Alcoholic Beverage Control

I LINDA L. DAY, resident at  
500 MASONIC ST. #9, San Francisco, hereby state

94117

that I am opposed to the change in use of Bistro Gambrinus, or any entity at that location,  
from a self-service restaurant to a full-service restaurant, as is being considered by the  
S.F. Planning Department. I also request that its compliance with applicable liquor  
license requirements be examined.

Thank you,

Linda L. Day  
Signature

August 30, 2011  
Date

To: The San Francisco Planning Department  
California Department of Alcoholic Beverage Control

I JOHN F. SCHAMBERE, resident at  
75 PIERCE ST., APT. B, San Francisco, hereby state

that I am opposed to the change in use of Bistro Gambrinus, or any entity at that location,  
from a self-service restaurant to a full-service restaurant, as is being considered by the  
S.F. Planning Department. I also request that its compliance with applicable liquor  
license requirements be examined.

Thank you,

John F. Schambere  
Signature

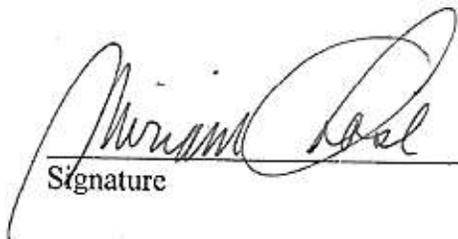
8/31/11  
Date

To: The San Francisco Planning Department  
California Department of Alcoholic Beverage Control

I Miriam Chase, resident at  
Pettrinie Place, San Francisco, hereby state

that I am opposed to the change in use of Bistro Gambrinus, or any entity at that location,  
from a self-service restaurant to a full-service restaurant, as is being considered by the  
S.F. Planning Department. I also request that its compliance with applicable liquor  
license requirements be examined.

Thank you,

  
Signature

8/30/11  
Date

To: The San Francisco Planning Department  
California Department of Alcoholic Beverage Control

I RICHARD HIGGINS, resident at  
711 CENTRAL AVE San Francisco, hereby state

that I am opposed to the change in use of Bistro Gambrinus, or any entity at that location,  
from a self-service restaurant to a full-service restaurant, as is being considered by the  
S.F. Planning Department. I also request that its compliance with applicable liquor  
license requirements be examined.

Thank you.

Richard J. Higgins  
Signature

8/30/2011  
Date

To: The San Francisco Planning Department  
California Department of Alcoholic Beverage Control

I Sheryl Sharp, resident at

2001 McAllister St #214, San Francisco, hereby state

that I am opposed to the change in use of Bistro Gambrinus, or any entity at that location,

from a self-service restaurant to a full-service restaurant, as is being considered by the

S.F. Planning Department. I also request that its compliance with applicable liquor

license requirements be examined.

Thank you,

  
Signature

8/31/11  
Date

To: The San Francisco Planning Department  
California Department of Alcoholic Beverage Control

I KENZO KOJIMA, resident at

2001 McALLISTER ST #104, San Francisco, hereby state

that I am opposed to the change in use of Bistro Gambrinus, or any entity at that location,

from a self-service restaurant to a full-service restaurant, as is being considered by the

S.F. Planning Department. I also request that its compliance with applicable liquor

license requirements be examined.

Thank you,

  
Signature

8/31/11  
Date

To: The San Francisco Planning Department  
California Department of Alcoholic Beverage Control

I Natolya Isenderova, resident at  
601 Masome ave apt # 6, San Francisco, hereby state

that I am opposed to the change in use of Bistro Gambrinus, or any entity at that location,  
from a self-service restaurant to a full-service restaurant, as is being considered by the  
S.F. Planning Department. I also request that its compliance with applicable liquor  
license requirements be examined.

Thank you,

Isenderova  
Signature

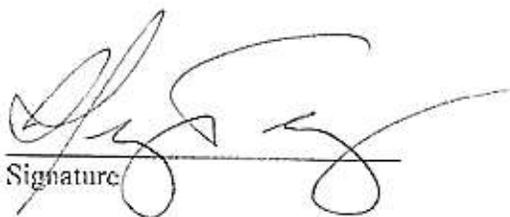
9.1.2011  
Date

To: The San Francisco Planning Department  
California Department of Alcoholic Beverage Control

I HENRY TANG, resident at  
1831 FULTON ST, San Francisco, hereby state

that I am opposed to the change in use of Bistro Gambrinus, or any entity at that location,  
from a self-service restaurant to a full-service restaurant, as is being considered by the  
S.F. Planning Department. I also request that its compliance with applicable liquor  
license requirements be examined.

Thank you,

  
Signature

Sept 1, 2011  
Date



# SAN FRANCISCO PLANNING DEPARTMENT

## RESPONSE TO DISCRETIONARY REVIEW

Case No.: 2011.05.10.5758

Building Permit No.: 1187/001

Address: 1813 Fulton St, SFCA

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

Project Sponsor's Name: Bistro Gambirinus  
Telephone No. (415) 314-7831 (Victor) (for Planning Department to contact)

1. Given the concerns of the DR requester and other concerned parties, why do you feel your proposed project should be approved? (If you are not aware of the issues of concern to the DR requester, please meet the DR requester in addition to reviewing the attached DR application.

The Project Sponsor runs and operates a family owned restaurant w/beer & wine service that is responsibly managed and which is compliant of all liquor license DBI and Fire department rules and regulations as well as of all tax laws including sales and tax payroll. The establishment is an asset to the local community and to San Francisco as a whole. Approval of the project is in order.

2. What alternatives or changes to the proposed project are you willing to make in order to address the concerns of the DR requester and other concerned parties? If you have already changed the project to meet neighborhood concerns, please explain those changes. Indicate whether the changes were made before filing your application with the City or after filing the application.

The owners have installed cameras outside the restaurant and a security person has been assigned during evening and night peak hours to ensure neighborhood safety for its employees, customers and neighbors. In addition, a community liaison will be designated and signage requesting "Quiet" and consideration for neighbors will be installed.

3. If you are not willing to change the proposed project or pursue other alternatives, please state why you feel that your project would not have any adverse effect on the surrounding properties. Please explain your needs for space or other personal requirements that prevent you from making the changes requested by the DR requester.

There are no physical changes and/or any construction being proposed for the site as part of the permit application. A reaction of hours would amount to lay offs and potentially jeopardise the entire business and possibly lead to closure of the restaurant altogether. That would be terrible for the neighborhood.



**THE MARQUEZ LAW GROUP, PC**

731 Market Street, Suite 600, San Francisco, CA 94103  
t. 415-848-8972 f. 415-495-5704

Victor M. Marquez, Esq.  
Principal  
victormarquezsq@aol.com

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October 27, 2011

Sharon Young  
The San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Re: Response to the Discretionary Review  
Case No.: 2011. 05. 10. 5758  
Building Permit No.: 1187/001  
Address: 1813 Fulton St., San Francisco, CA

Dear Ms. Young:

I am officially representing Bistro Gambrinus Restaurant in response to the Discretionary Review application filed with the San Francisco Planning Department relative to Building Permit Application number 1187/001.

The owners of Bistro Gambrinus are truly an American dream success story. The owners are a married couple who immigrated to the United States and through hard work and the right opportunities, have succeeded in opening and operating a local neighborhood restaurant in the Fulton/Masonic neighborhood.

Bistro Gambrinus is a restaurant serving beer and wine and is located off the corner of Fulton and Masonic, in the Nopa/Lone Mountain neighborhood near USF. The restaurant serves sensational food and beer from all around the world, with an emphasis on Eastern European cooking. The restaurant offers a casual atmosphere where one can relax, eat, and meet with friends. Bistro Gambrinus is not an ordinary restaurant. It is truly a traditional European Bistro.

The owners purchased the restaurant from a former operator who was struggling to make the operation a success.

The owners are active members of the neighborhood and of the greater San Francisco community.

The focus of the DR application is based on allegations by two neighbors of noise and disturbances by patrons of Bistro Gambrinus. These allegations are unfounded and exaggerated at best and are aimed at slandering a reputable, responsible establishment as more fully set forth below. Along these lines, the owners of the establishment have worked hard to turn around what was formerly a troubled business into a thriving and

successful establishment with goodwill from the local residents, neighbors and other local businesses.

Bistro Gambrinus has succeeded during a truly difficult economy. The bad economy has resulted in the closure of many “mom & pop” shops in the local neighborhood and around the City as a whole. This restaurant is a bright, positive, forward looking locale in troubled economic times. The owners are responsible and their clientele is likewise responsible.

The business is a source of jobs and a local place for people to socialize over a meal and a beer.

Two neighbors are trying to undermine hard years of work and effort by a family that has built and who runs this family style restaurant. These neighbors make these allegations with complete disregard for the livelihood of the family and the families of the employees who work onsite.

On behalf of the owners and their employees, we respectfully request that the Discretionary Review be denied as baseless, and that the approvals being sought be given to the establishment.

The following narrative created from factual information provided to my office from the restaurant’s ownership will provide you with substantial factual information in preparation for the D.R. hearing. You will find significant pertinent background information on the business along with photographs. The information highlights all of the positive aspects of the restaurant and its clientele, and serves to effectively refute the fabricated and sometimes dishonest allegations of the D.R. applicants.

### **Acquisition of Restaurant Site & Operation as Restaurant**

The restaurant is located at 1813 Fulton Street and was acquired from a full-service restaurant, “Fruitful Grounds.” That business was not doing well and was in danger of closing. At the time of acquisition, the previous legal permits, including the “Permit to Operate” from the Department of Public Health (permit H25-full-service restaurant and the ABC Liquor License 41) were transferred to the new ownership as part of the sale of the business. Please see Exhibits “A” and “B” respectively.

D.R. applicant Tang alleges that the business is operated as a “high-volume sports bar”. That is simply not true. The conditions of operations under the beer and wine license requires the maintenance of suitable kitchen facilities and the substantial sale of meals for consumption on the premises. In sum, the establishment must be operated as a bona fide eating place, which it is. The restaurant is in full compliance with its licensing requirements.

Bistro Gambrinus is a full-service restaurant with the very unique concept of pairing food with beer, much like other restaurants pair food with wine. Bristo Gambrinus does not

have a full liquor license and has no plans to acquire one because it would be against the restaurant's business plan and the owners' vision for the restaurant and the types of patrons it wishes to attract, namely inter-generational, from families with children to older adults.

As a result of the restaurant's unique business and food formula, it attracts not only the students and staff of the nearby USF Law School, but also neighbors and residents of other San Francisco neighborhoods, and customers from all over the Bay Area who come to enjoy the great food with the rare beer selection and unmatched hospitality. Enclosed as exhibit "C", please find letters of support and a petition in support of the restaurant.

Bistro Gambrinus is one of the only successful restaurants in the area. Unfortunately, other local restaurants have closed down and are now empty buildings covered by graffiti serving as makeshift shelters for the homeless.

Bistro Gambrinus is proud to be a bright spot in an otherwise struggling business environment in the neighborhood.

### **Inflammatory Allegations by Neighbors**

Mr. Tang's use of "sports bar" is used in an inflammatory manner and it is truly a groundless allegation. The establishment is not a "bar or tavern" because if it were, the business would not be able to maintain and operate the existing business, which serves food through the use of a full kitchen. Please see Exhibit "D" which is copy of the restaurant menu and Exhibit "E" which illustrates the table, and bar seating and food service along with some patrons

In addition, Mr. Tang alleges that the presence of televisions make the establishment a "sports bar." Many restaurants throughout the City, including in the Marina, Pacific Heights, North Beach, Downtown, the Van Ness Corridor, the Mission, and beyond have televisions in place. Particularly, many ethnic restaurants include televisions where sports is central to the culture, such as soccer, basketball, hockey, baseball, football or whatever the sport of that culture may be. Those establishments are restaurants and not sports bars. Although there are some sport bars throughout the City that are primarily bars, some of them merely serve snacks and appetizers, Bistro Gambrinus is clearly not one of them. Thus, the presence of televisions in a restaurant does not automatically equate to an establishment being a sports bar.

Furthermore, in response to a request to the D.R. applicants, the restaurant owners conducted an audit of sales performed at Bistro Gambrinus to determine the ratio of sales of food versus beer and wine. The findings were such that 60-70 percent of sales is in food and only 30-40 in beer and wine consumption.

Again, Bistro Gambrinus is a restaurant and not merely a bar or a sports bar.

### **Bistro Gambrinus Creates and Maintains Jobs**

Bistro Gambrinus participated in the “Job Now” City of San Francisco sponsored program. The restaurant hires individuals through this program, many of whom are currently still gainfully employed at the restaurant. In total, the restaurant employs seven people. Of the seven employees, five have children. The ownership is proud to contribute to the City’s job creation and to maintaining sustainable employment, particularly in light of tough economic times which has led to high unemployment rates around the country.

As a result, the establishment pays its fair share of payroll and sales taxes.

### **The Fulton & Masonic Intersection experiences high volume of traffic & sometimes is a noisy environment by the very nature of being an inner city environment**

Bistro Gambrinus is located just a few yards away from a very busy intersection at Masonic & Fulton streets. By the very nature of the busy intersection, it is often a loud and noisy environment. For example, there are four bus stops, a Lucy’s supermarket, a Starbucks, a liquor store, a Laundromat, John Adam’s High School, and the University of San Francisco. Compounding the constant back and forth activity is a significant number of pedestrians, which can be classified as quite “colorful” in nature and spirited from the Haight strolling down Masonic.

Mr. Tang’s allegations are aimed at giving the negative credit to Bistro Gambrinus for attracting and/or being responsible for all the negative impacts of a busy intersection. The reality is that the high volume of traffic, the often heavy pedestrian traffic, the alleged loitering at the bus stop, and the customers of the liquor store are not attributable to the Bistro Gambrinus business activity. If that were the case, then Bistro Gambrinus would have high volumes of clientele with lines out the door and around the corner. That is simply not the case. Please see Exhibit “F”

### **A “Laundry List” of Complaints by the D.R. Applicants are Baseless**

The D.R. Applicants have made it a mission to harass the proprietors of Bistro Gambrinus by launching a series of malicious false complaints as a way to seek leverage against the establishment in an effort to bring credibility to their otherwise hallow and groundless allegations in the D.R. application.

Mr. Tang’s complains that delivery trucks delivering merchandise to the restaurant are “constantly” blocking his driveway. These are dishonest and misleading allegations fabricated by Mr. Tang as they pertain to Bistro Gambrinus. In fact, Mr. Tang knows that the trucks he is referring to are delivering to the corner Liquor Store and not to Bistro Gambrinus. The liquor store on the corner of Masonic and Fulton streets receives the majority of these deliveries of liquor and other store merchandise. Since there is a bus stop directly in front of the Liquor Store the delivery trucks are not legally allowed to

stop there, so they double park a little further up Fulton directly blocking the restaurant doorway and thus, Mr. Tang's as well. Please see Exhibit "G".

Bistro Gambrinus does have deliveries made to its establishment once a week. The deliveries are made every Friday sometime between noon and four in the afternoon. These deliveries last no more than 15 to 20 minutes. Please see Exhibit "H".

Next, Mr. Tang claims that the layout of the restaurant is conducive to creating noise. He claims that the restaurant is "very open to the sidewalk which encourages smokers and loiters to congregate on the sidewalk." That is not true. There is no outside seating, and drinks and food are not allowed off the restaurant premises. The photographs submitted show that the façade windows do not open to the sidewalk. Please see Exhibit "I".

Mr. Tang further claims that Bistro Gambrinus has "beer and menu placards [that] block the sidewalk". That is not the case. In reality, the placards are on a standing stand which is located adjacent to the restaurant door, on the premises of the establishment and it does not encroach nor block the sidewalk. Please see Exhibit "J".

The next set of complaints involve the restaurant's ventilation system.

D.R. applicant, Ms. Iskenderova, filed two complaints with the San Francisco Department of Public Health alleging claims that the ventilation system creates "excess noise."

Bistro Gambrinus obtained an inspection by the San Francisco Department of Public Health's Environmental Health Section relative to the first noise complaint. The Department found that the facility fell within the allowable 8 DBA according to the SF noise ordinance. The noise complaint was therefore abated. Please see exhibit "K".

Subsequently, Ms. Iskenderova then requested a second noise reading from the Department of Public Health. In her second complaint, she demanded an "evening noise reading." The Department complied and a Senior Inspector went out to the establishment. Again, the Department found the equipment to be operating within the allowable range and was thus in compliance. Hence, the second noise complaint was also abated. Please see exhibit "L".

Despite the Department of Public Health's findings, Ms. Iskenderova followed up and filed yet a third complaint alleging noise involving the ventilation system, but this time with the San Francisco Police Department on August 27<sup>th</sup>, 2011. (Police Department Complaint number: CAD # 112393370)

The next complaint involves alleged graffiti on the façade of the restaurant.

Ms. Iskenderova and Mr. Tang complained that there is constant graffiti on the doors and walls of Bistro Gambrinus which "spilled" into the neighbors' doors and walls. Photographs submitted by Mr. Tang himself illustrate that allegation is false. In fact, the

restaurant has been lucky to not have been “tagged” with graffiti. It is clearly in the best interest of Bistro Gambrinus to have a clean and welcoming environment.

The next complaint involves alleged public sexual activity in the adjoining business.

Ms. Iskenderova and Mr. Tang allege that patrons of Bistro Gambrinus are seen “in highly inappropriate (sexual) behavior” in the Laundromat adjacent to the restaurant. These allegations are slanderous and disrespectful towards the patrons of the restaurant. In fact, the Laundromat has floor-to-ceiling windows and is well-lit twenty-four hours a day, seven days a week. If the management were made aware of any inappropriate behavior at the Laundromat or anywhere in the adjacent vicinity, they would be the first to notify the police.

The next set of complaints focus on allegations of inappropriate behavior by patrons of the restaurant.

Mr. Iskenderova and Mr. Tang filed a complaint with the Department of Building Inspection alleging that Bistro Gambrinus is a “neighborhood hazard and nuisance” claiming public urination, people vomiting on the sidewalks and streets, and smoking on the street, and alleging that the restaurant is open until 2 a.m. without a permit. The restaurant has a full restroom for its patrons, and the establishment has had no problems with public drunkenness of its patrons at any time. The complaint was investigated by Building and Planning Inspection Departments. No corrective action was necessary as the allegations were false. Please see exhibit “M”.

The next set of complaints alleged assault by patrons of Bistro Gambrinus.

On August 26<sup>th</sup>, 2011, both Mr. Tang and Ms. Iskenderova filed a complaint with the San Francisco Police Department that they were both “individually chased and beaten by separate group of patrons” of Bistro Gambrinus. Neither Mr. Tang nor Ms. Iskenderova ever informed the management of the alleged incident. If such incident had taken place, the management would support and cooperate with any police investigation.

In fact, upon learning about the alleged incident, the management of the establishment took proactive measures to ensure the safety and well being of its patrons and neighbors. Towards this end, two outdoor cameras were installed covering the whole block on both the south and north sides of Bistro Gambrinus, including the bus stop and liquor store to help ensure the continued safety of the restaurant patrons and neighbors.

**The request of the D.R. Applicants are unreasonable and could cause the business to close**

First, the D.R. applicants are requesting that Bistro Gambrinus shorten hours of operation. That request would have an extremely negative impact on the operation of the business as the dinner time is crucial to the success of the restaurant and to its bottom line to enable it to continue to exist.

The fact that the restaurant is open serving customers is in good for the neighborhood and it provides a safe and healthy environment.

Second, Mr. Tang and Ms. Iskenderova propose there be changes to the physical space of the restaurant to keep patrons indoors. This makes no sense as there is no room for any alterations to the physical space of the restaurant.

**The Management of Bistro Gambrinus has made efforts to meet with the D.R.**

**Applicants**

In an effort to address any and all concerns expressed by the neighbors, the management of Bistro Gambrinus took affirmative steps to address the allegations.

In fact, Vallie Brown, Legislative Assistant to Supervisor Ross Murkarimi, Supervisor of District 5, was contacted to ask for assistance in arranging for a formal mediation through Community Boards.

Ms. Brown approached Mr. Tang and Ms. Iskenderova with a request for formal mediation and Community Boards. She also offered to help them with mediation. The offer was refused by Mr. Tang and Ms. Iskenderova.

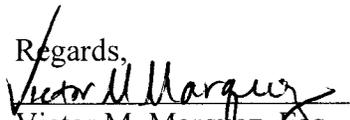
In closing, I would like to reiterate that Bistro Gambrinus enjoys success and popularity by neighbors and visitors. The restaurant enjoys the independent reviews on Yelp.com. Bistro Gambrinus' score is a solid four stars. Please see exhibit "O".

Bistro Gambrinus is a thriving Eastern European cuisine eatery, which are rare in the City. It is also a responsible employer. In fact, former Mayor Willie L. Brown, Jr. favorably blogged twice about the restaurant.

Lastly, Mayor Ed Lee declared a "Bistro Gambrinus Day" this past summer honoring the contributions of the establishment to the City.

If you should need any additional information, please do not hesitate to contact me on my cell at 415.314.7831.

Regards,

  
Victor M. Marquez, Esq.

Attorney for Bistro Gambrinus

Enclosures.

Exhibit “A”



# PERMIT TO OPERATE AND CERTIFICATE OF SANITARY INSPECTION

Issued according to the provisions of the San Francisco Health Code

A

AUTHORIZING conduct of the following class of  
**FOOD PREPARATION AND SERVICE ESTABLISHMENT**

DATE ISSUED

Type of Operation: H25 - Restaurant with Cooking  
Name and Address below:

September 11, 2009

Noblevision LLC  
DBA: BISTRO GAMBRINUS  
1813 Fulton Street  
San Francisco, CA 94117

~~EXPIRES:~~

Valid only when accompanied by a receipt from the Tax Collector showing payment of current license fee. THIS PERMIT TO OPERATE MAY BE REVOKED OR SUSPENDED FOR CAUSE AND IS NOT TRANSFERABLE. CHANGE OF OWNERSHIP must be reported immediately.

**DEPARTMENT OF PUBLIC HEALTH**  
Environmental Health Section  
City and County of San Francisco

Inspector

Director of Environmental Health

Principal Inspector

Director of Public Health

8310-10A (9/03)

Frame and Display this Permit prominently. This margin may be trimmed for standard 6 x 8 frame.  
HD #2 CT #165 Loc ID: 59621

Exhibit “B”

STATE OF CALIFORNIA  
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
ALCOHOLIC BEVERAGE LICENSE

ON-SALE BEER AND WINE - EATING PLACE

VALID FROM

Apr 01, 2011

NOBLEVISION LLC  
18 DORADO  
TERRACE #7  
SAN FRANCISCO, CA 94112

EXPIRES

Mar 31, 2012

TYPE NUMBER DUP

41 475582

AREA CODE

3800 24

RENEWAL

BUSINESS ADDRESS (IF DIFFERENT) DBA: BISTRO GAMBRINUS  
1813 FULTON ST  
SAN FRANCISCO, CA 94117-1213

OWNERS: NOBLEVISION LLC

CONDITIONS

7



**IMPORTANT INFORMATION**

**EFFECTIVE PERIOD** This license is effective only for the operating period shown above. A new license will be sent to you within 30 days of the expiration date on your license if payment is timely.

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

**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.

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

**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.

**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 “C”

THE INSTITUTE  
FOR ADVANCED STUDY  
OF HUMAN SEXUALITY  
A private, non-sectarian graduate school

Office of the Dean of Students

September 6<sup>th</sup>, 2011

Sharon M. Young, Planner  
Northwest quadrant, Current Planning  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: BISTRO GAMBRINUS  
1813 Fulton Street, San Francisco, CA 94117

Dear Ms. Young,

When visiting professors are in San Francisco the one place that I will always take them for dinner is Bistro Gambrinus. The menu has a unique European flavor and a wide variety of beers to select from which very often pleases my guests.

I find the staff and management at Bistro Gambrinus professional and very accommodating to their customers.

I look forward to many continued opportunities to have dinner and entertain out-of-town guests at this fine restaurant in the future.

If I can be of any further assistance to you please feel free to contact me.

Sincerely yours,

Thomas Erwin Gertz, Ed.D., M.P.H., DACS, ABS  
Dean of Students

TEG/gt

✓CC: Bistro Gambrinus



Charles & Diane Paskerian  
1750 Taylor #1502  
San Francisco, CA 94133-5414  
Tel. 415-749-1750 Fax 415-749-1069  
e-mail: chuck@paskerian.com

August 31, 2011

Mr. Justin Gebb  
California Department of Alcoholic Beverage Control  
71 Stevenson St., Suite 1500  
San Francisco, CA 94105  
RE: Bistro Gambrinus, 1813 Fulton St., San Francisco, CA

Dear Mr. Gebb:

It has come to our attention that one of our favorite restaurants in San Francisco, the Bistro Gambrinus Restaurant, on Fulton Street, in San Francisco, is being criticized as being an un-neighborly Beer Bar. We do not normally write about such matters, but in this case, this seems to be an utterly "out of order" complaint.

This complaint is very far from the truth. We go to this restaurant because the food is superb, and reasonably priced. We need more restaurants like this, not less... a young couple trying to participate in the American dream by their own initiative.

The owners are responsible people, who are busy trying to develop and maintain a fine food establishment, that also happens to sell wine and beer. We have been going there about once per week, since its opening, and have never seen any disorderly behavior.

When they originally opened, their hours were limited due to the poor management of the prior establishment's owners. As a result of the present new owner's management, it is my understanding that the SFPD felt that they were acting responsibly and recommended that they be allowed to stay open a just little later..11PM?

I am sorry that there are a few folks who do not appreciate this restaurant. I suggest that they go eat there just once, and they will find that it is a place for good food.

Please do not let a few people spoil something for the many who love this place!

For your information, we do not drink alcohol, and so we go there only for the food.

Sincerely,

Charles & Diane Paskerian

Mr. Justin Gebb  
California Department of Alcoholic Beverages Control  
71 Stevenson St. Suite 1500  
San Francisco, Ca 94105

RE: Bistro Gambrinus  
1813 Fulton St

September 1, 2011

Dear Mr. Gebb:

My name is Yana Leventon and I own a company, Incare Home Health Services at 2675 Geary Blvd. Myself and my 43 employees and frequent visitors at Bistro Gambrinus. I overheard last time that someone from above has complained. I think that is a frivolous complaint or at best overexaggerated. We love this restaurant and come here regularly for soups and fantastic variety of sausages like the real German ones you can't get anywhere except in Hays Valley. We walk to this restaurant for lunch and often come after work. It's the most decent place to eat in a radius of walking under 20 minutes. Literally the only place we can eat and return in a timely manner except Subway sandwiches which is disgusting. The menu and service are exceptional. I have never seen anyone peeing outside even after watching the Giants win, everyone went home. There have never been rowdy people there. In fact I only have seen during the day college students (who like us have no other good food in the area) and Russian folks who have no place to call their own in San Francisco. While the Irish enjoy many such establishments, the Russian community has no place to come together and watch soccer or hockey. The tables in the place are full of people eating the great food they serve and alcohol service which is beer variety is a supplement. My company had our Christmas dinner party there and I have celebrated my birthday there with dinner. I have never witnessed any unpleasantries there at any time of the day or evening. My parents and in-laws come to eat there from Burlingame. Its great food and atmosphere. The fact that it's decorated as a bar is probably due to the image of the original Gambrinus which most Russians in San Francisco are familiar with. It's in Odessa, Ukraine and it resembles the same look. I would not judge the book by its cover. The neighborhood really needed a good place to eat and meet after work as well as a place to have business lunches without going downtown. There is always someone who sits at home and doesn't work and has to take the time writing nasty letters. In my line of business, it's a daily occurrence and I do have to respond but be sensible too. So, I urge you to look at the big picture. If you like my friends and employees will be

happy to sign a petition or write you letters if you have the time to read at least a hundred of them. Let me know if you will welcome more of such letters. I may be reached at 415 828 5156 or at [Yanka.sf@gmail.com](mailto:Yanka.sf@gmail.com).

Sincerely,  
Yana Leventon  
Incare Director of Operations (SF)

August 30, 2011

Ms. Sharon M. Young  
Planner, NW Quadrant  
Current Planning  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Dear Ms. Young:

I understand that a complaint has been filed with your department regarding Bistro Gambrinus, located on Fulton Street west of Masonic Avenue. I cannot comment on the complaint; it's sometimes hard living next to any business. People complain about the dryer vents in laundromats and the parking lots near many businesses.

But I can offer you observations on behalf of Mrs. Kaufman and myself about the conduct of business at this establishment. We have been frequent patrons of Bistro Gambrinus since shortly after it opened. We have found it to be a pleasant and inviting place, and we have brought friends and family there repeatedly.

During all the times we have dined there - lunch and dinner -we never felt that it was an overly noisy establishment. I am particularly sensitive about the many aggressively noisy restaurants in this city, and will usually leave rather than spend an evening shouting across the table in order to be heard. I have seen other parties there having a very fine time, but never observed raucous or loud behavior. And the television sets seem always to be tuned to rather low volume too.

Now I am not a regular drinker, except for a glass of wine or a beer from time to time. I do not find the fact that Bistro Gambrinus has many choices of beer to be proof of a lot of alcohol being consumed. It's simply a matter of having more choices. And anyone who has been there knows, food is the main attraction: generous and delicious. It would be unfortunate if anything stood in the way of being able to continue to enjoy this wonderful neighborhood restaurant.

Sincerely,

Harold Kaufman



I am astounded that this person has "invented" such a string of false comments about this nice little neighborhood gathering place. I hope that your department will investigate this matter thoroughly before taking any negative measures against this popular neighborhood business.

Dear Mr. Young,

I am writing on behalf of Bistro Garbanus, on 1813 Fulton St. I have read the letter of complaint about this bar and restaurant sent to Justin Gebb by Natalia Iskanderova complaining about many aspects in the business including noise, drunkenness and bad behavior.

I have been to that restaurant for lunch and for dinner and have found it to be well run, with tasty food and service, a good assortment of fine beers, and a pleasant atmosphere.

Della F Ehrlich  
1601 Faneuil St, Apt. 1143  
San Francisco, CA, 94109  
921.1106, dellae@stmail.com

August 30, 2011

Mr. Justin Gebb  
State of California  
Department of Alcoholic Beverage Control  
San Francisco District Office  
71 Stevenson Street, Suite 1500  
San Francisco, CA 94105

Dear Mr. Gebb:

SUBJECT: SUPPORT FOR BISTRO GAMBRINUS

We the undersigned have seen the preposterous charges and conniving schemes and lies by Tang and Iskenderova in their August 29, 2011, letter to rally their neighbors to achieve their own personal hidden agenda.

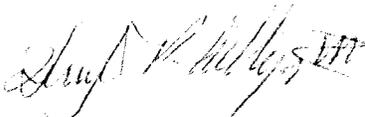
The whole "plot" by Tang and Iskenderova violates the very essence of the spirit that makes San Francisco a great place in which to work, live, and play and also violates the rights of individuals of any ethnicity, life style, and belief system to legally pursue legitimate business within the city without undue harassment from habitual complainers and stalkers.

The owners and employees are well aware of the alcoholic beverage laws concerning minors and would not knowingly or intentionally violate them. They are also aware of the operating hours in regards to the liquor license and would not knowingly serve liquor to patrons after operating hours. However, getting patrons out of any establishment at closing time is another matter which every business struggles with whether related to the restaurant business or not. If Tang and Iskenderova confuse the two, then they have never worked in or operated any kind of business.

As frequent customers of Bistro Gambrinus we have never seen or heard of any of the behavior described in the Tang and Iskenderova letter. We do not believe the owners and employees would tolerate such behavior on their premises. We have many friends in the community and city who also eat there and have never heard such wild tales. We all consider Bistro Gambrinus to be one of the best small family restaurants in the city.

We wholeheartedly support the continued operation of Bistro Gambrinus as a full-service restaurant as they are a great asset to that neighborhood in District 5.

Sincerely,



Henry D. Phillips III



Tatianah A. Vytte

**MICHAEL SAVOD**  
**162 RIDGE ROAD**  
**ALAMO, CA. 94507**  
Aug. 31, 2011

To: Sharon M. Young  
Planner, NW Quadrant, Current Planning  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

To: Justin Gebb  
Ca. Dept of Alcohol Beverage Control  
71 Stevenson St. #1500  
San Francisco, Ca. 94105

Re: Bistro Gambrinus  
1813 Fulton Street  
San Francisco, Ca.

Dear Ms. Young and Mr. Gebb:

I have just read a copy of letter sent to Mr. Gebb by Natalya Iskenderova regarding her claim that the subject restaurant is a "sports bar" and a nuisance in her neighborhood.

I find this claim to be ridiculous and probably vindictive, as I have been there numerous times for dinner, and I have never seen any unusual "bar" type activity. There have always been other dining patrons and the few customers sitting at the counter were usually eating as well.

Additionally, I have never seen any bad behavior by any of the patrons either in the restaurant or outside.

As a former vice-president of a major league baseball team and a consultant on numerous occasions to many of the Bay Area sports team, I have been to many "sports bars" and there is no similarity to the experiences I have had at those places compared to Bistro Gambrinus.

Please feel free to contact me at (925) 413-3435 should you need further clarification of this letter.

Thank you

Michael Savod

Françoise AND ANDREW Skurman  
1170 Sacramento Street, Apt. 15A  
San Francisco, CA 94108  
Tel 415 776 8000  
Cell 415 310 0035  
Fax 415 776 8001  
FSKURMAN@aol.com

Sharon M. Young  
Planner, NW Quadrant, Current Planning  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

I have heard with great surprise that neighbors are complaining about the very nice restaurant Bistro Gambrinus, 1813 Fulton Street.

I am a French citizen, and as such, enjoy the European quality of this restaurant. Russian restaurants are very fancy in Paris, and this one serves outstanding Russian and Eastern European dishes.

My husband, who is a well known San Franciscan architect, enjoys the design of the restaurant, its square layout and wood surfaces.

We also like the peaceful neighborhood and the elegant way the restaurant appears on the street, with its neat sign.

I certainly would not have written this letter if I hadn't heard about repeated complaints about this restaurant. One is perfectly entitled not to like it. But to complain about it in unreasonable and unfair, and my husband joins me in wanting to repair this injustice.

Sincerely,

Françoise Skurman

-----  
Mr. Justin Gebb  
California Department of Alcoholic Beverages Control  
71 Stevenson St. Suite 1500  
San Francisco, Ca 94105

RE: Bistro Gambrinus  
1813 Fulton St

September 5, 2011

Dear Mr.Gebb,

My name is Alex Zhornist. I'm a business owner and a frequent patron of Bistro Gambrinus restaurant in San Francisco.

I'm writing to you in regards to the unjust and unfound accusations the Bistro Gambrinus was recently accused of with the hope that my first hand experiences would overshadow the special interests of a few.

Since its opening day a couple of years ago I've been marveling the true European pub finally finding home on the streets of San Francisco. It became a special place for many of my family occasions. The favorite past time at the restaurant are the sport events with the most memorable Game 5 San Francisco Giants victory in the World Series last year. This location has been a neighborhood wonder for me and many of my friends.

Not once have we witnessed any violence, lute or otherwise inappropriate behavior inside or on the street. Safety and friendliness are especially important since I frequently bring my children there. Most of the attendees are college students from the USF. The owners Sergey and Clara are always there to extend their hospitality.

I'm kindly requesting to dismiss and reconsider the nature of the accusations against the Bistro Gambrinus. For anyone enjoying great food, nice atmosphere and a true San Franciscan neighborhood tradition the Bistro Gambrinus needs to stay.

Please keep this place running!

Respectfully,

Alex Zhornist  
[azhornist@roundtripsystems.com](mailto:azhornist@roundtripsystems.com)  
415 971 4449



Charles & Diane Paskerian  
1750 Taylor #1502  
San Francisco, CA 94133-5414  
Tel. 415-749-1750 Fax 415-749-1069  
e-mail: chuck@paskerian.com

August 31, 2011

Sharon M. Young  
Planner, NW Quadrant, Current Planning  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Dear Ms. Young,

It has come to our attention that one of our favorite restaurants in San Francisco, the Bistro Gambinus Restaurant, on Fulton Street, in San Francisco, is being criticized as being an un-neighborly Beer Bar. We do not normally write about such matters, but in this case, this seems to be an utterly "out of order" complaint.

This complaint is very far from the truth. We go to this restaurant because the food is superb, and reasonably priced. We need more restaurants like this, not less... a young couple trying to participate in the American dream by their own initiative.

The owners are responsible people, who are busy trying to develop and maintain a fine food establishment, that also happens to sell wine and beer. We have been going there about once per week, since its opening, and have never seen any disorderly behavior.

When they originally opened, their hours were limited due to the poor management of the prior establishment's owners. As a result of the present new owner's management, it is my understanding that the SFPD felt that they were acting responsibly and recommended that they be allowed to stay open a just little later..11PM?

I am sorry that there are a few folks who do not appreciate this restaurant. I suggest that they go eat there just once, and they will find that it is a place for good food.

Please do not let a few people spoil something for the many who love this place!

For your information, we do not drink alcohol, and so we go there only for the food.

Sincerely,

Charles & Diane Paskerian

Ms. Sharon. M. Young  
Planner, NW Quadrant  
Current Planning  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2479

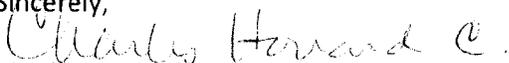
August 28, 2011

I am writing in support of Bistro Gambrinus (BG) the lovely new restaurant and bar on Fulton and Masonic Streets in San Francisco. Bistro Gambrinus has been a wonderful addition to our neighborhood and has become a valued gathering place for those of us in the neighborhood as well as the many students from USF and City College campuses.

While the Divisadero end of Fulton Street has had a number of new eateries and gathering places the Masonic end of the Fulton Street corridor has lagged far behind. Bistro Gambrinus has filled a gap in services at the Masonic end of Fulton Street. Having BG at the Masonic end of Fulton Street has provided a friendly gathering place for those of us who live within the blocks surrounding it.

Please continue to support the existence of Bistro Gambrinus as it will only attract more new business to our neighborhood and improve the character and value of our properties. The staff has always been friendly and supportive and has sought from its inception to be a good neighbor.

Sincerely,



Charles Howard

Lyon and Central Block of Fulton Street  
San Francisco, California 94117

Ms. Sharon M. Young  
Planner, NW Quadrant, Current Planning  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2479

August 28, 2011

I am writing to you in regards to Bistro Gambrinus a restaurant and bar located in my neighborhood in San Francisco. Bistro Gambrinus has been a very welcome addition to our neighborhood offering good food and spirits and a staff that is always courteous and welcoming. We have enjoyed BG since it moved in near us as it filled a gap in good places to eat and gather.

We walk our dog during the morning, afternoon and night and have never had any problem with noise or crowds at or near the restaurant. While there are sometimes a few people gathered outside as they are arriving or leaving we have never witnessed any loud or unruly crowds.

Bistro Gambrinus has added an important new and high quality business to the Masonic end of Fulton Street that has been an asset to us. Please support the business so that it may continue to serve all of us in the neighborhood.

Sincerely,



Robert Gerard L.  
Lyon and Central Block of Fulton Street  
San Francisco, California 94117

**Bistro Gambrinus**

Wednesday, August 31, 2011 11:22 AM

**From:** "Nourredine" <nazouaou@yahoo.com>**To:** "sharon.m.young@sfgov.org" <sharon.m.young@sfgov.org>**Cc:** "Clara" <clashka@yahoo.com>

Dear Ms. S. Young:

I am writing to share my comments on Bistro Gambrinus.

I have had the opportunity to eat and drink at this establishment on multiple occasion. I drive to Bistro Gambrinus from the EB where I live. It's a testimony to their excellent hospitality, friendliness and eastern european influenced delicious dishes. Needless to say that I sincerely enjoy what San Francisco culinary industry has to offer city wide.

I am aware that some residents in the neighborhood have complained from the get go of it's opening. I think it is not fair to the rest of of us patrons, who do enjoy this place. We wish it was bigger in size to accomodate all its fans and regulars. The variety and availability of a wide range of beer selection is also an attractive menu. This is a great neighborhood that offers immediate food and drink access to residents and visitors alike on any day.

Unfair complaints about Bistro Gambrinus are just that, unfair and not quite in tune with reality. I apologize in advance if this mail is too long, but I just wanted to share my opinion and appreciation of Bistro Gambrinus in your beautiful city.

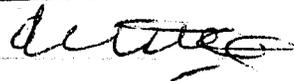
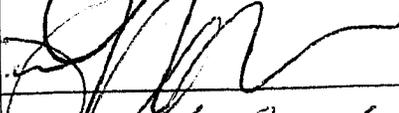
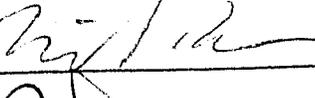
Best Regards,  
Nourredine Azouaou

# PETITION

## IN

### SUPPORT OF BISTRO GAMBRINUS AS A FULL-SERVICE RESTAURANT

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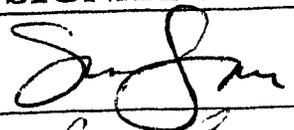
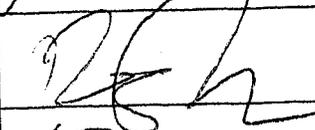
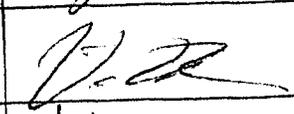
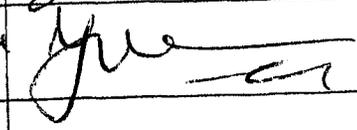
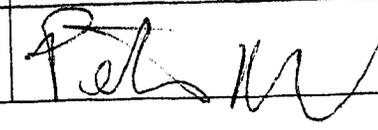
NAME:	ADDRESS:	PHONE:	EMAIL:	SIGNATURE:
Matt Bloom	1836 Grove St San Francisco, CA 94117	415-314-9460	—	
Piotr Bujak	1798 Grove St Apt 1 San Francisco, CA 94117	630-802-3078	piotr_bujak@gmail.com	
Jessica Phano	1798 Grove St Apt 1 S.F. CA 94117	415-310-0247	jessica.m.phano@gmail.com	
Scott Willis	4425 Balboa SF CA 94121	415 420 4881	willis833@hotmail.com	
Candice Anton	4425 Balboa St Apt 3 SF, CA 94117	787-671-325	CandiceA@hotamail.com	
Dave Rubin	752 Baker St.	617-312-0043	daverubin1@gmail.com	
Nich Seymour	20 Ashbury St.	408-448-2767	99pmonich@gmail.com	
Jennifer Collett	1912 Grove St. SF, CA 94117	914 560 6834	jencollett20@yahoo.com	

# PETITION

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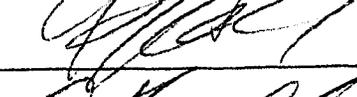
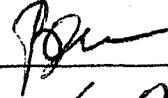
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NAME:	ADDRESS:	PHONE:	EMAIL:	SIGNATURE:
Sean Summers	1710 Branton St #7 Oakland, Ca 94611	707 483 1259	3Summerstime66@gmail.com	
Mitch Skolnik	2745 Grove St. San Francisco, CA 94117	202-22-8174	skolnik@gmail.com	
Nick Roach	2113 Grove St.	707-353- 2434	void:mj@yahoo.com	
Robert Johnson	28 Knollview Way SF CA 94131	415-829-7255	RJohnson@comcast.net	
Thayer Mullins	528 Oak St. San Francisco, CA 94102	415 710 902	thayer.mullins@gmail.com	
Yaniv Newman	333 Fillmore St #2 San Francisco CA 94117	415 574 0109	ynecoman@usfca.edu	
Alex Fields	1313 Masonic Ave San Francisco CA 94117			
Peter Welch	610 Masonic SF, CA 94117	—	—	

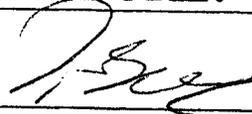
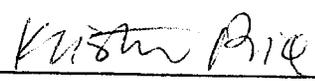
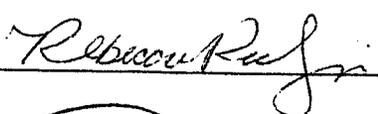
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NAME:	ADDRESS:	PHONE:	EMAIL:	SIGNATURE:
Antonio Baris	1930 PARAVAL ST	415-310-9150		
Igor Panou	325 Coronado Ave	415-806-1006		
Elia Fedova	525 Coronado Ave	-11-		
Nadezhda Fedova	300 N Civic Dr, Wob Co	415-297-3090		
Oleh Baran	1124 Polk St, apt 5	415 5096858	Oleh+Nadia@me.com	
NADEZDA VASILYENA	1124 Reeves Ct, unit C	415 424 6932		
Mikol Donchik	490 31 ave	(415) 608 7460		
Simon Bergelson	227 7th ave	415-533-3367		

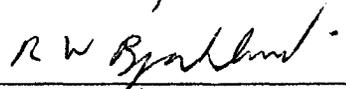
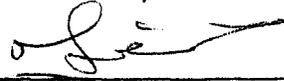
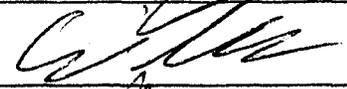
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NAME:	ADDRESS:	PHONE:	EMAIL:	SIGNATURE:
Jochen Bedersdorfer	1919 Grove St San Francisco CA	415 504 2406	gambrinus@bedersdorfer.de	
Kristina Price	1919 Grove St. San Francisco, CA 94117	801 916 8862	gambrinus@kprice.me	
Rebecca Rufin	2065 Ellis St. Apt. 23 SF CA 94115	202-391-5381	brudzi@zol.com	
Jared Meyer	2065 Ellis St Apt. 23 SF CA 94115	510-888-3996	jride25@hotmail.com	

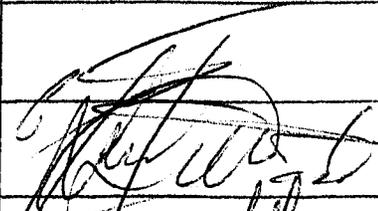
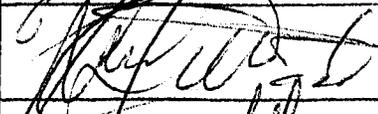
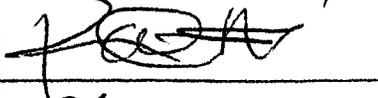
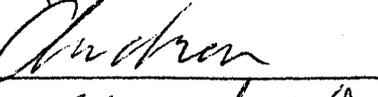
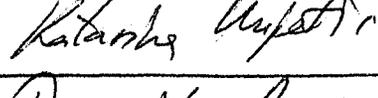
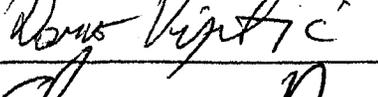
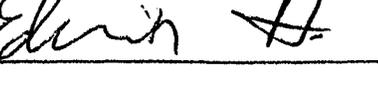
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NAME:	ADDRESS:	PHONE:	EMAIL:	SIGNATURE:
NICOLE D'ALESSIS	20 ELLIOTT AVE	415-933-2499	nicole.dAlessis@pacbell.net	
ROBERT BJORKLUND	1779 HAYES ST	415-673-0593	-	
JENNIS PERAZA	1779 HAYES ST	415-673-0593	-	
FORBES McNaught	17 Ashbury St SF 94117	415-472-5851	Forbes.McNaught@garden.com	
Graig Leung	1055 GINT #218 San Francisco, CA	415-506-6693	gdraig@comcast.com	
NICK GRUNDY	127 BLAKE ST SF, CA	415-760-8419	NICKGRUNDY@GMAIL.COM	
Erk Schuber	1985 FULTON ST	415-317-7936	-	
Natalia House	333 1ST ST.	415-722-8597	-	

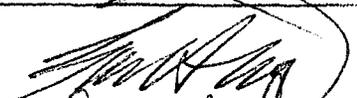
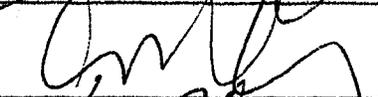
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NAME:	ADDRESS:	PHONE:	EMAIL:	SIGNATURE:
PAULI RATIBASHURI	23 HEMWAY TERIL	(415) 572-6765		
Murat Kenayev	266 22nd St	(415) 715-9228		
GENADI O BRI	2631 16th Ave	(415) 6721168		
ROBERT MACK	674 11th AVE	(415) 250-7417		
Andren Tamaji	528 Oak #2	5164434691		
KATARINA VUJETIC	918 BAKER SE.	415/7225835		
DARKO VUJETIC	918 BAKER SE.			
Edvin Amzayan	2550 Geary Blvd	415-987-6142		

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NAME:	ADDRESS:	PHONE:	EMAIL:	SIGNATURE:
Douglas Weissman	1674 Filbert Street San Francisco 94123	518-912-3309	Gr8kick@aol.com	
Emily Vajda	2906 Van Ness #41 San Fran 941109	773-814-1280	emvajak@gmail.com	
Caroline Casper	475 Sansome SF, CA 94114	(415) 434-6220	ccasper@aimmedia.com	
Stephen Galiani	472 Boet Hart RD San Rafael, 94901	415-713-7374	galiani@sbcglobal.net	
Brian Jarvis	1649 Grove St SF CA 94117	415-917-4665	bj Jarvis76@yahoo.com	Brian Jarvis
Belousova	1808 Fulton St # 11		(415) 876-0705	
Glen Hildebrand	18 Levant 1808 Fulton St	487 8933	GlenBEAR@GMAIL.COM	
Belousova NATALYA	SAN FRANCISCO	(415) 6376790	NATALIE@HOTMAIL.COM	

# PETITION

## IN

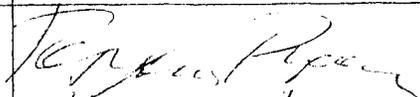
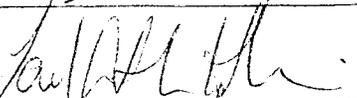
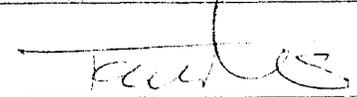
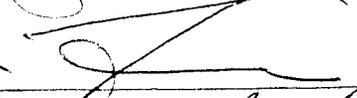
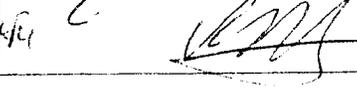
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NAME:	ADDRESS:	PHONE:	EMAIL:	SIGNATURE:
Yiichi Inoue	17 Ashbury St. San Francisco	+15-279- 4464	gogokevin@gmail.com	
Jenny Nickolaus	1733B Fulton St. SF, 94117	505-257- 2726	jen-gadlesse@fda.gov @janecc	
Scott Coyt	3048 Del. St. Berkeley CA	415 747- 2017	thinkitisthatwep@jaboo.com	
ALBERT MCCAIG	1853 FULTON ST. #A S.F. CA 94117	415 205-0706	N/A	
ARASTASH DOBREVA	2210 CECILIA AVE S.F. CA 94133	415 821 9309	N/A	
Cassandra Jencke	3012 8th Ave, #3 SF, CA 94118	702 278 3111	cjencke@gmail.com	
Emily Shallman	720 2nd Ave. #301, SF CA 94118	509.551.3138	emily.shallman@gmail.com	Emily Shallman
Kristen Tract	842 8th Ave #3 San Francisco CA 94118	401-489-6791	kristen.tract@gmail.com	

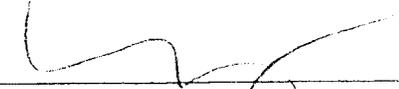
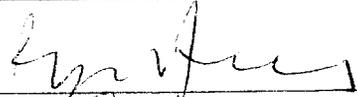
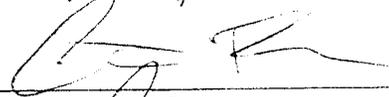
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IN  
SUPPORT OF BISTRO GAMBRINUS AS A FULL-SERVICE RESTAURANT**

We, the undersigned, neighbors and patrons of Bistro Gambrinus, hereby wish to show our strong support for the operation of Bistro Gambrinus at 1813 Fulton Street, San Francisco, CA 94117, as a full-service restaurant, continuing to provide excellent service and employment opportunities to the community and neighbors in such difficult economic times.

NAME:	ADDRESS:	PHONE:	EMAIL:	SIGNATURE:
TATYANA PLOFACH	2116 GLENN HILLY SF, CA 94116	(415) 201-2262		
LUCY CARLUS HUMPHRIES	1795 McALLISTER ST. SF, CA 94115	(415) 494-7568	lucycarlus@gmail.com	
Tarek Halim	207A Castro St. SF, CA 94114	(415) 777-8599	tarekhalim@gmail.com	
Mike Healey	829 Broadway St #2 SF CA 94115	415 309 7442	mchealey@qmail.com	
Katie Steele	829 Broadway #2 SF CA 94115	650-2071041	katieasteele@gmail.com	
MICHAEL HYDE	2550 FULTON ST #12 SAN FRANCISCO 94116	415 283 7616	MICHAEL.AARON.HYDE@gmail.com	
Vladimir Kabanov	1555 Hayes St San Francisco	(415) 2907907	VOLFKAZ12@msn.com	

**PETITION**  
**IN**  
**SUPPORT OF BISTRO GAMBRINUS AS A FULL-SERVICE RESTAURANT**

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NAME:	ADDRESS:	PHONE:	EMAIL:	SIGNATURE:
Adam Landers	2059 Golden Gate #5	415 875 9375	adlan.landars@comcast.net	
Loretta Mezey	San Francisco 94118	415 875 9375	lmezey@comcast.net	
Sergei Krasni	San Francisco	415 321-9309	sergei@bistrogambrinus.com	
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Ernie Winter	San Francisco 94118	415 337 2577	erwinter@comcast.net	

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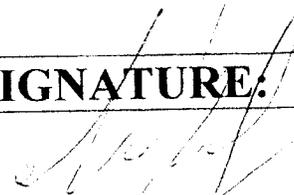
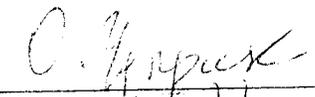
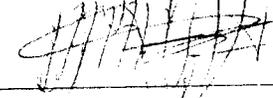
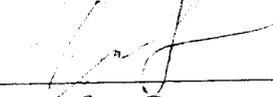
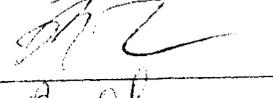
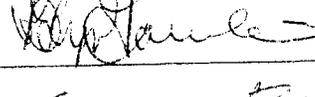
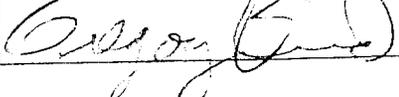
NAME:	ADDRESS:	PHONE:	EMAIL:	SIGNATURE:
Alexei Dimov	643 Mission Ave SF CA 94112	415 5164084	alexesdimov@gmail.com	
Katya Dagonik	115 Yates, San Mateo CA	650 210-6880	katia@bistro.com	
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Yulia Makara	2341 18th St SF CA 94112	415 317 6415	YuliaMakara@gmail.com	
* Robb Kapla	101 Parnassus Ave. #8 SF, CA 94117	415-215-9364	<del>robkapla@gmail.com</del> robkapla@gmail.com	
Robyn Genevies	101 Parnassus Ave #8 San Francisco, CA 94117	415-210-1812	robbyng@hotmail.com	
Gregory Bird	451 Haight St SF CA 94117	415 305-8734		

Exhibit “D”

# Bistro Gambrinus

1813 Fulton St  
San Francisco, CA 94117  
At Masonic Ave

415 221-7777

Page 1 of 2

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## Brunch

### Soups And Salads

Red Borscht	cup 4.95 bowl 7.95
Homemade Chicken Soup	cup 3.95 bowl 5.95
House Salad lettuce, tomatoes, onion, cucumber, bell peppers with oil and vinegar	4.95
Grilled Chicken Salad fresh greens, bell pepper, tomatoes, cucumber, onion and grilled chicken	7.95
Greek Salad fresh greens, tomatoes, cucumber, olives, onion, bell peppers and feta cheese	8.95
Shrimp Salad fresh greens, tomato, cucumber, bell pepper, avocado and shrimp	8.95
"Gambrinus" Salad fresh greens, tomato, onion, cashews, pineapple and fresh homemade lox salmon	9.95

### Burgers And More

All Burgers Flame Broiled, Served With Mayonnaise, Mustard, Lettuce, Tomato, Onion And Pickles

Hamburger fresh homemade beef burger	5.50
Cheeseburger fresh homemade beef burger with cheese	6.95
Turkey Cheeseburger fresh homemade turkey burger with cheese	6.95
Garden Cheeseburger	5.95
Lox Salmon Sandwich fresh homemade lox salmon, cream cheese, onion and cucumber	9.95
Grilled Chicken Sandwich grilled chicken, mayonnaise, mustard, lettuce, onion, tomato, pickles and cheese	6.95
BBQ Pork Sandwich bbq pork rib meat, mayonnaise, mustard, lettuce, onion, tomato, pickles and cheese	7.95
Jumbo Beef Frankfurter all beef hot dog with sweet relish, onion and cheese topped with mustard and ketchup	4.95
Pita Wrap choice of lamb, grilled chicken, bbq pork or vegetarian wrapped with lettuce, pickle, tomato, mayonnaise and cheese	8.95
BG Cheeseburger homemade beef burger with apple wood smoked bacon, avocado, sautéed mushrooms and cheese	10.95
Lamburger homemade lamb burger with avocado and cheese	11.95

### Add-Ons

Avocado	1.00
Sautéed Mushrooms	1.00
Bacon	1.00
French Fries	1.00
Onion Rings	2.00

### Side Dishes

French Fries	3.95
Onion Rings	4.95

### Main Entrées

Hunter's Sausage smoked beef and pork sausage with french fries	6.95
German Bratwurst grilled pork sausage with french fries	6.95
Bavarian Sausage boiled veal sausage with french fries	7.95
Russian Sausage grilled beef and pork sausage with french fries	6.95
Buffalo Chicken Wings with fries	7.95
Fish And Chips	8.95
Bigos traditional meat and cabbage stew	9.95

Peimeni traditional russian ravioli with chicken or beef served with butter and sour cream 8.95  
Hungarian Goulash beef stew with bell peppers, paprika, celery and tomatoes served with homemade potatoes 12.95

### Drinks

Soda coca cola, diet coke, 7up and ginger ale	2.50
Crystal Geyser Sparkling Water	2.50
Juice apple, cranberry, tomato, orange and lemonade	3.00
Fresh Squeezed Orange Juice	5.00
House Coffee	2.00
Espresso sgl 2.50 dbl 3.00	
Cappuccino	4.00
Latte	3.50
Mocha	4.00

### Dinner

### Appetizers

Baked New Zealand Mussels new zealand green shell mussels, baked with garlic butter and topped with cheese	15.00
Breaded Calamari Rings	12.00
Original Buffalo Chicken Wings with fries	10.00
Crispy Onion Rings	7.00
Lox Salmon Carpaccio	12.00
Marinated Herring with potatoes and onion	10.00
Sausage Fries hunters sausage cut in pieces and served with fries	8.00
Marinated Olives	6.00
Smoked Organic "Suluguni" Cheese imported from kaluga, russia	5.00
Salted Dried Fish	10.00
Assorted Smoked Meat Plate	12.00

### Soup And Salads

Russian Sausage Soup	cup 6.00 bowl 10.00
Red Borscht	cup 5.00 bowl 9.00
Garlic Soup	cup 5.00 bowl 9.00
House Salad lettuce, tomato, cucumber, onion, bell pepper and dill with oil and vinegar	6.00
Cesar Salad romaine lettuce, croutons, parmesan cheese and cesar dressing	7.00
"Gambrinus" Salad fresh greens, tomato, onion, pine nuts, grill pineapple and fresh homemade lox salmon	14.00
Shrimp Salad fresh greens, tomato, avocado and shrimp	12.00
Greek Salad fresh greens, olives, onion, bell peppers and feta cheese	10.00

### Burgers And More

All Burgers Flame Broiled, Served With Mayonnaise, Mustard, Lettuce, Tomato, Onion, Pickle And Choice Of French Fries Or Salad

Cheeseburger fresh homemade beef burger with cheese	9.00
Fresh Ground Turkey Cheeseburger fresh homemade turkey burger with cheese	10.00
Garden Cheeseburger	9.00
Western Bacon Cheeseburger fresh homemade beef burger, apple wood smoked bacon bbq sauce and cheese	11.00
BG Cheeseburger fresh homemade beef burger, apple wood smoked bacon, avocado, sautéed mushrooms, grilled onions and cheese	14.00

Lamburger fresh homemade lamb burger, avocado, grilled onion and cheese	15.00
BBQ Pork Rib Sandwich boneless bbq baby back pork sandwich	12.00
Grilled Chicken Sandwich onion, pickles, tomato and cheese	10.00
Pita Wrap choice of vegetarian, lamb, bbq pork or grilled chicken wrapped with lettuce, tomato and cheese	12.00

### Add-Ons \$1

Avocado	
Sautéed Mushrooms	
Bacon	

### Seafood

Fish And Chips	11.00
Sautéed Basa Filet with rice and vegetables	12.00
Whole Rainbow Trout with rice and vegetables	16.00
Crab Section seasonal crab section in chef's special sauce	21.00
Jumbo Garlic Prawns jumbo whole prawns in chef's special sauce and rice	19.00
Pineapple Shrimp jumbo black tiger prawns with chef's special sauce served in half pineapple	22.00
Gambrinus Crawfish dozen fresh northern california crawfish (fresh water lobster) with garlic butter sauce	22.00
Sea Food Extravaganza garlic prawns, pineapple shrimp, rainbow trout, crab, crawfish and new zealand mussels. good for five, ten people	100.00 190.00

### Main Entrées

Hungarian Goulash beef stew with bell pepper, paprika and onion. served homemade potatoes	16.00
Bigos traditional meat and cabbage stew	14.00
Lamb Chops marinated lamb chops with salad and homemade potatoes	20.00
Baby Back Ribs with salad and homemade potatoes	18.00
Beef Stroganoff	16.00
Stuffed Cabbage Rolls	13.00
Pork Or Chicken Schnitzel with german coleslaw and homemade potatoes	15.00
Chicken Kabob with salad and homemade potatoes	15.00
Lamb Kabob with salad and homemade potatoes	19.00
"Peimeni" Traditional Russian Ravioli chicken or beef served with sour cream or garlic butter	10.00
Hunter's Sausage smoked beef and pork sausage with german coleslaw and homemade potatoes	14.00
German Bratwurst grilled white pork sausage with german coleslaw and homemade potatoes	12.00
Bavarian Sausage boiled veal sausage with german coleslaw and homemade potatoes	12.00
Russian Sausage beef and pork sausage with german coleslaw and homemade potatoes	14.00
Gambrinus Mixed Grill Plate baby back ribs, lamb chops, chicken kebab, steak, hunters and russian sausage served with salad and homemade potatoes good for five, ten people	100.00 190.00

### Dessert \$5

Ice-Cream	
Assorted Cheesecake	

### Coffee And Tea

Cappuccino	4.50
Latte	3.50
Mocca	4.00
Hot Chocolate	3.00
Single Espresso	2.50
Double Espresso	3.00
Coffee	2.50
Tea	2.50

### Soft Drinks

Coke	3.00
Diet Coke	3.00
7up	3.00
Ginger Ale	3.00
Ice Tea	2.50
Sparkling Water	3.00
Fresh Squeezed Orange Juice	4.50
Orange Juice	4.00
Cranberry Juice	4.00
Apple Juice	4.00

### Draft Beer - Pilsners

Small / Large

Gambrinus Pills pilsner, berkley, ca	4.00	5.00
Pilsner Urquell pilsner, czech republic	4.00	6.00

### Draft Beer - Lagers

Small \$4 / Large \$6

Okocim Ok lager, poland	
Stella Artois lager, belgium	
Spaten Munchner Hell lager, germany	
Krusovice Cerne dark lager, czech republic	
Spaten Optimator double bock, germany	

### Draft Beer - Ales

Dogfish Head 90 Min imperial ipa, milton, de.	6.50
Sierra Nevada pale ale, chico, ca	sm 4.00 lg 5.00
Speakeasy Hunters Point porter, sf, ca.	sm 4.00 lg 5.00
Bear Republic Racer 5 ipa, healdsburg, ca	5.00

### Draft Beer - Wheat Ales

Small / Large

Schneider Aventinus dark wheat, germany	5.00	8.00
Schneider Edel-Weisse weissbier, germany	5.00	8.00
Hoegaarden belgian white ale, belgium	4.00	6.00
Franziskaner Weissbier hefeweizen, germany	4.00	6.00
Blue Moon belgian white ale, golden, co.	4.00	6.00
Pyramid Haywire hefeweizen, seattle, wa	4.00	6.00

### Bottled Beer

Baltika Nr.3 lager, russia	5.50
Baltika Nr.4 dark lager, russia	5.50
Baltika Nr.6 porter, russia	5.50
Baltika Nr.7 lager, russia	5.50
Baltika Nr.8 wheat ale, russia	5.50
Baltika Nr.9 Extra strong lager, russia	5.50



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**MENUPAGES**

# Bistro Gambrinus

1813 Fulton St  
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Page 2 of 2

Kalnapiilis 7.30 strong lager, lithuania	5.50
Aldaris Zeita lager, latvija	5.50
Aldaris Luksus lager, latvija	5.50
Aldaris Porteris porter, latvia	5.50
Tatra lager, poland	5.50
Zywiec Original lager, poland	5.50
Zywiec Porter porter, poland	5.50
Okocim Green Label pilsner, poland	5.50
Okocim Mocne strong lager, poland	5.50
Okocim Porter porter, poland	6.00
Warka strong lager, poland	5.50
Hevelius Kaper strong lager, poland	5.50
Golden Pheasant pilsner, slovak republic	5.50
Primator Maibock lager, czech republic	6.00
Primator dark lager, czech republic	5.50
double bock, czech republic	6.00
Krusovice Imperial lager, czech republic	5.50
Karlovacko pilsner, croatia	5.50
Chimay Tripel (White) tripel, belgium	7.00
Chimay Première (Red) dubbel, belgium	7.00
Chimay Grande Réserve ale, belgium	7.00 16.00 40.00
Duvel strong golden ale, belgium	6.50
Bass pale ale, england	4.00
Guinness stout, ireland	4.00
Bitburger Premium Pils pilsner, germany	4.00
Augustinerbrau Edelstoff lager, germany	6.00
Augustinerbrau Maximator double bock	6.00
Kostritzer schwarzbier, germany	6.00
Spaten Dunkel dunkel, germany	4.00
Spaten Optimator double bock, germany	4.00
Lammsbrau Organic pilsner, germany	4.00
Lammsbrau organic dunkel, germany	4.00
Corona lager, mexico	4.00
Anchor Steam steam beer, sf, ca	4.00
Widmer Brothers hefeweizen, portland	4.00
Miller Lite lager, milwaukee	4.00
Budweiser lager, saint lois	4.00
Baltika Nr.0 non-alcoholic	5.50
Bitburger Drive Non-Alcoholic germany	4.00
Sake Bomb	7.00

## Beer

### Pilsners On Draft

*Pilsner (Also Pilsener Or Simply Pils) Is A Type Of Pale Lager. It Takes Its Name From Being Developed In The 19th Century In The City Of Pilsen, Bohemia (Plzen In The Czech Republic), Where The Original Pilsner Urquell Beer Is Still Produced Today. A Pilsener Is Generally Regarded As Different From Other Pale Lagers By A More Prominent Hop Character, Particularly From The Use Of Saaz Noble Hops And Spring (Soft) Water.*

Krusovice Imperial krusovice, czech republic	
Gambrinus Pils berkley, california	
Pilsner Urquell pilsen, czech republic	
Bitburger Pils bitburg, germany	
Radeberger Royal Pils radeberg, germany	

### Pilsners In The Bottle

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Okocim Green Label brzesko, poland	
Golden Pheasant hurbanovo, slovak republic	

Karlovacko karlovac, croatia

### Lagers On Draft

*Pale Lagers Tend To Be Dry, Lean, Clean-Tasting And Crisp. Flavors May Be Subtle, With No Traditional Beer Ingredient Dominating The Others. Hop Character (Bitterness, Flavor, And Aroma) Ranges From Negligible To A Dry Bitterness From Noble Hops. The Brewing Process For This Beer Developed In The Mid 19th Century When Gabriel Sedlmayr Took Pale Ale Brewing Techniques Back To The Spaten Brewery In Germany And Applied It To Existing Lagering Brewing Methods.*

### Lagers In The Bottle

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### Euro Strong Lagers In The Bottle

*Pale Lagers That Exceed An Abv Of Around 5.8% Are Variouslly Termed Bock, Malt Liquor And European Strong Lager.*

### Dark Lagers On Draft

*Dark Lagers May Be Dunkels, Schwarzbiers, Marzens (Octoberfest), Vienna Lagers And Bocks. They Are Characterized By Their Smooth Malty Flavor. Taste Ranges From Dry Schwazbiers, To Sweet Bocks And Double Bocks.*

### Dark Lagers In The Bottle

*Dark Lagers May Be Dunkels, Schwarzbiers, Marzens (Octoberfest), Vienna Lagers And Bocks. They Are Characterized By Their Smooth Malty Flavor. Taste Ranges From Dry Schwazbiers, To Sweet Bocks And Double Bocks.*

Rinkuskiai Before, After birzai, lithuania.  
Primator Premium Dark Lager nachod, czech republic.  
Primator Double Bock nachod, czech republic.  
Bakalar Amber rakovnik, czech republic.  
Bakalar 555 rakovnik, czech republic.  
Spaten Dunkel münchen, germany.  
Lammsbrau Organic Dunkel neumarkt, germany.  
Zotler Bier Korbinian Dunkel retteneberg, germany.

### Ales On Draft

*Ale Is A Type Of Beer Brewed From Malted Barley Using A Warm Fermentation With A Strain Of Brewers' Yeast. The Yeast Will Ferment The Beer Quickly, Giving It A Sweet, Full Bodied And Fruity Taste. Most Ales Contain Hops, Which Impart A Bitter Herbal Flavor That Helps To Balance The Sweetness Of The Malt And Preserve The Beer.*

### Ales In The Bottle

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### Belgian Ales On Draft

*Ale Is A Type Of Beer Brewed From Malted Barley Using A Warm Fermentation With A Strain Of Belgian Yeast (Not Limited To Brewers Yeast). The Yeast Will Ferment The Beer Quickly, Giving It A Sweet, Full Bodied And Fruity Taste. Belgian Ale Are In It's Own Category As Belgian Yeast, Use Of Sugars As Well As Fruits And Spices Make Them Unique. Belgian Ales Include Flemish Ales And Lambic Beers.*

### Belgian Ales In The Bottle

*Ale Is A Type Of Beer Brewed From Malted Barley Using A Warm Fermentation With A Strain Of Belgian Yeast (Not Limited To Brewers Yeast). The Yeast Will Ferment The Beer Quickly, Giving It A Sweet, Full Bodied And Fruity Taste. Belgian Ale Are In It's Own Category As Belgian Yeast, Use Of Sugars As Well As Fruits And Spices Make Them Unique. Belgian Ales Include Flemish Ales And Lambic Beers.*

### Porters On Draft

*Porter Is A Dark-Colored And Usually Strong Style Of Beer. Porter Can Be An Ale Or A Lager Depending Where It Is Brewed*

### Porters In The Bottle

*Porter Is A Dark-Colored And Usually Strong Style Of Beer. Porter Can Be An Ale Or A Lager Depending Where It Is Brewed*

### Wheat Ales On Draft

*Wheat Beer Is A Beer That Is Brewed With A Large Proportion Of Wheat. Wheat Beers Often Also Contain A Significant Proportion Of Malted Barley. Wheat Beers Are Usually Top-Fermented. The Flavor Of Wheat Beers Varies Considerably, Depending Upon The Specific Style.*

### Wheat Ales In The Bottle

*Wheat Beer Is A Beer That Is Brewed With A Large Proportion Of Wheat. Wheat Beers Often Also Contain A Significant Proportion Of Malted Barley. Wheat Beers Are Usually Top-Fermented. The Flavor Of Wheat Beers Varies Considerably, Depending Upon The Specific Style.*

### Non-Alcoholic In The Bottle:

Baltika Nr.0 st. petersburg, russian federation.  
Claushaler frankfurt am main, germany



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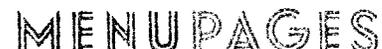


Exhibit "E"







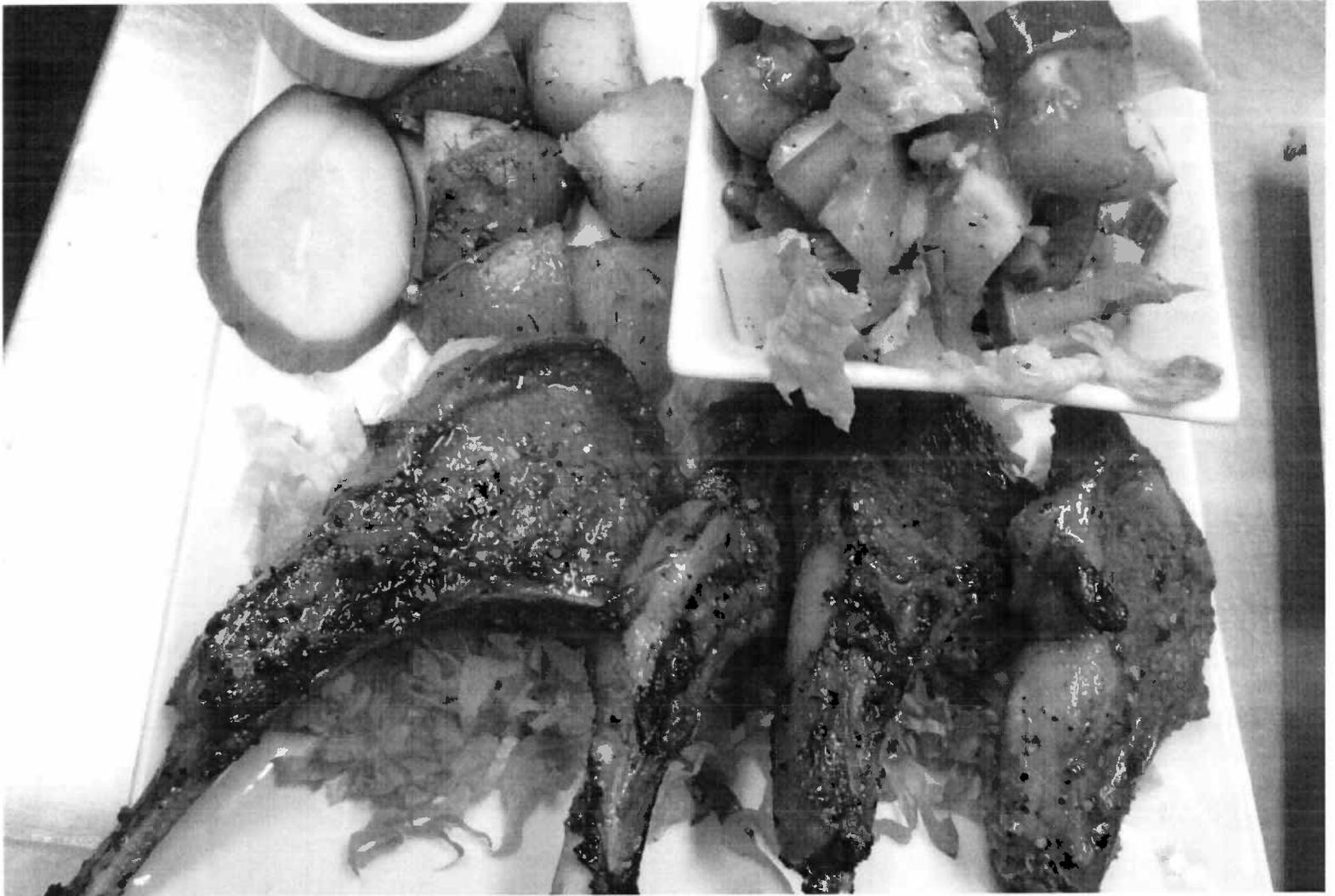










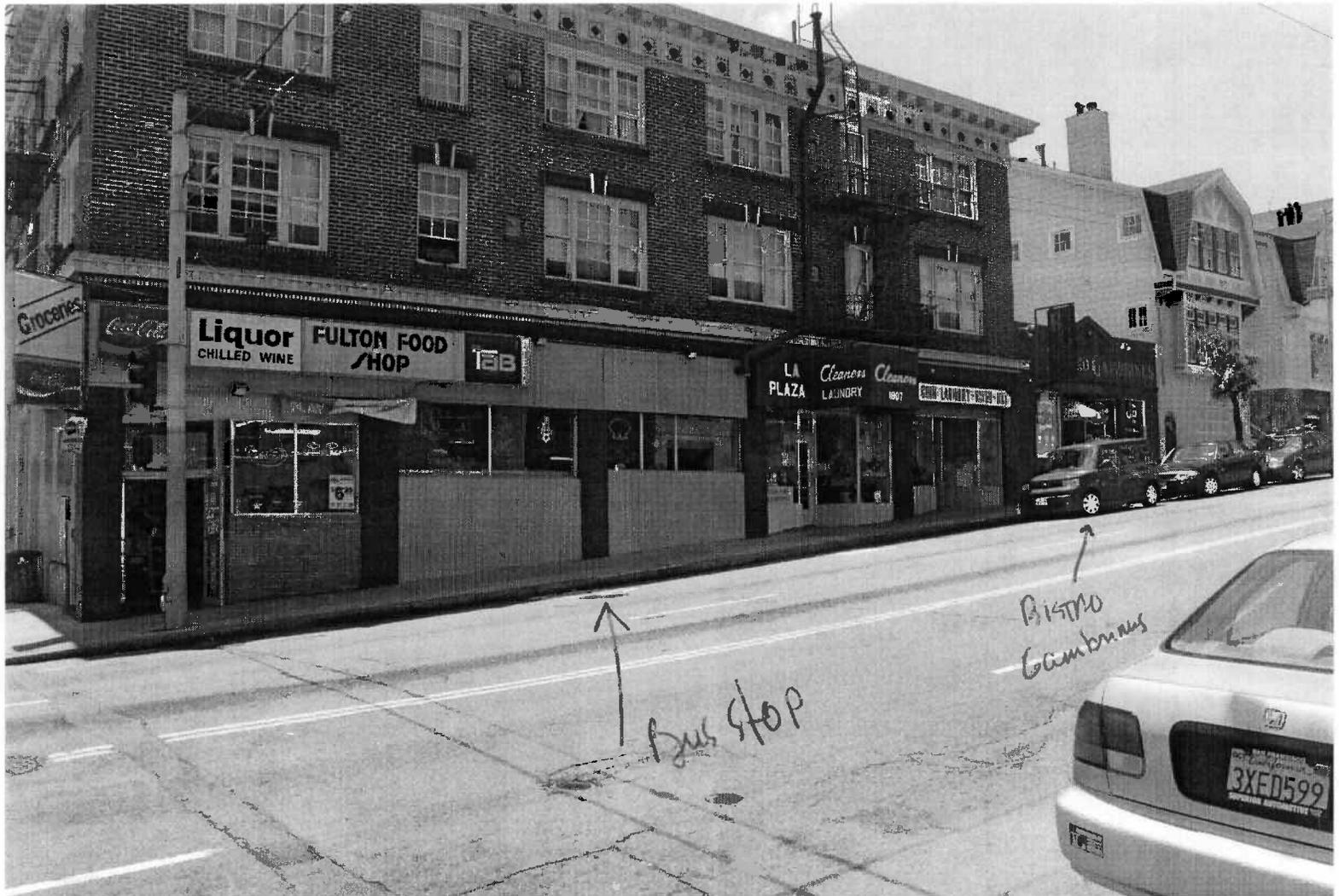
Exhibit "F"







Exhibit "G"







↖ Bus  
Stop

↖ Liquor  
Store

Exhibit "H"



August 29, 2011

Attn: Sergey Sharapov  
For: Bistro Gambrinus  
Re: Delivery Schedule  
From: Matagrano Inc.

This letter was drafted to review our delivery schedule to Bistro Gambrinus at 1813 Fulton Street, San Francisco, CA. Our deliveries are as follows:

We deliver product on Fridays and our delivery window is between 12noon – 4:00pm. The average delivery takes about 15-20 minutes.

Thank you.

Sincerely,

Nick Cocchi  
Operations Manager

NC/jw

---

MATAGRANO INC.

440 Forbes Boulevard • P.O. Box 2588 • South San Francisco, CA 94083-2588 • tel: (650) 246-3770 • fax: (650) 952-9421

Exhibit "I"

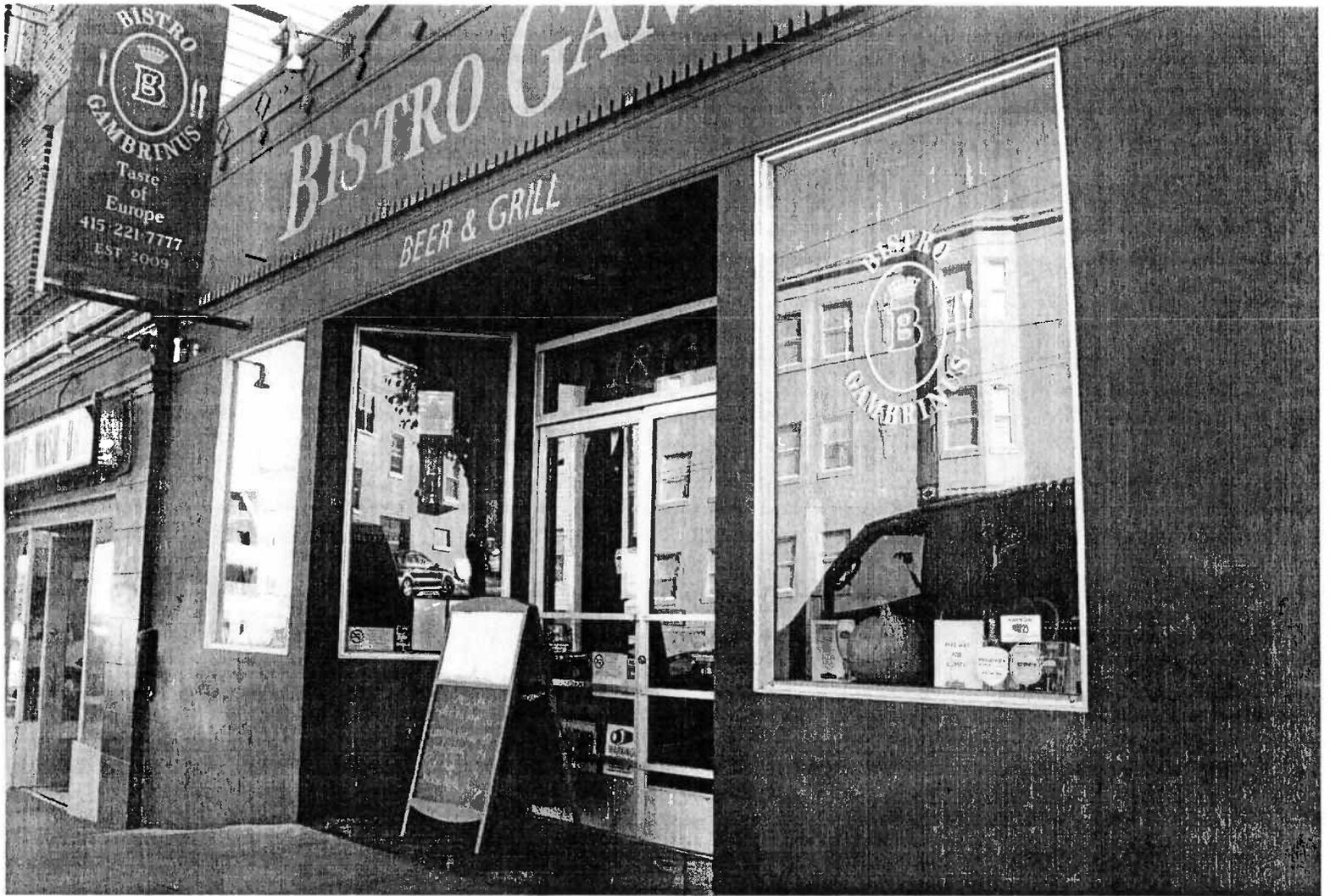


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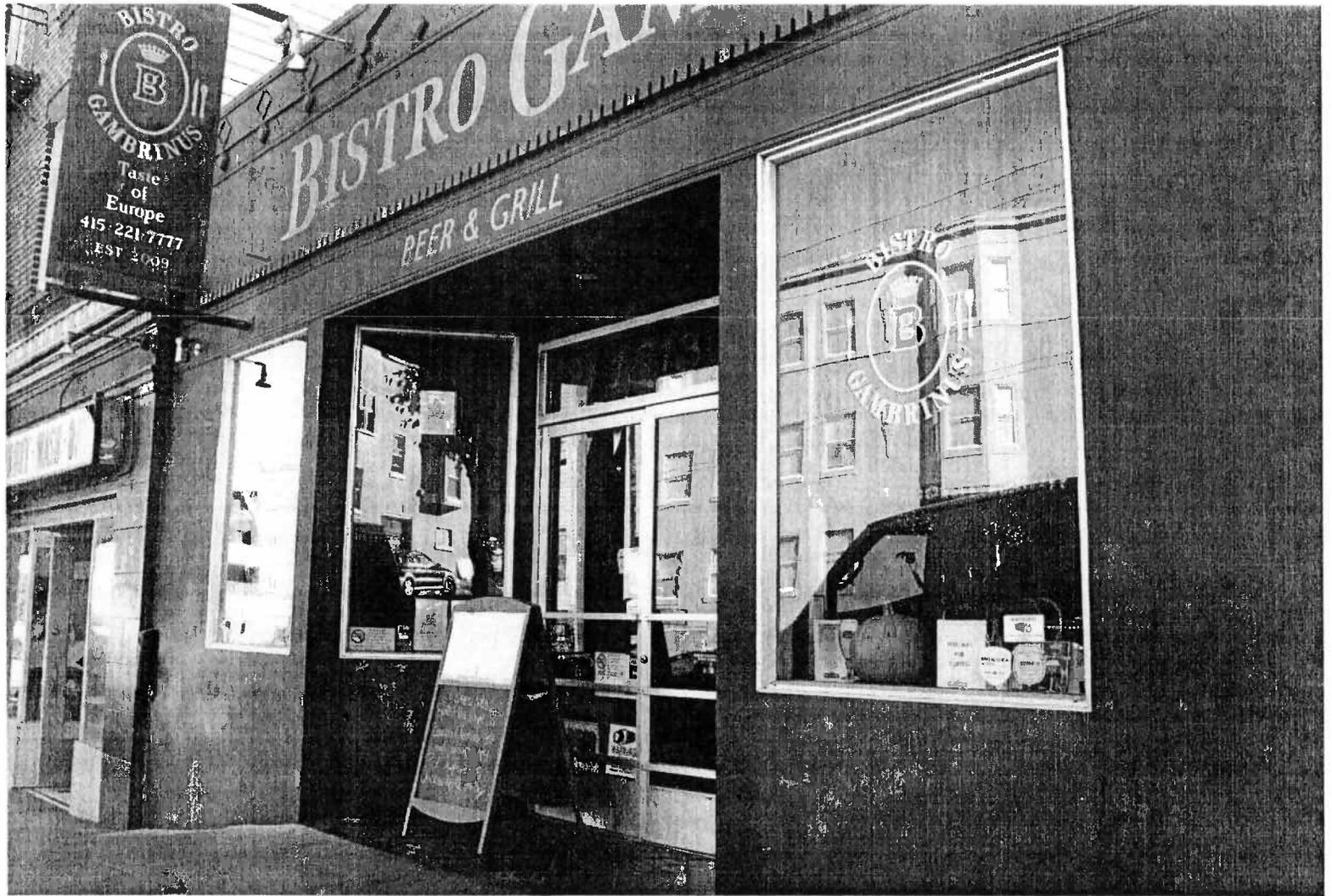


Exhibit "K"



INSPECTION REPORT

SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH
ENVIRONMENTAL HEALTH SECTION
1390 Market Street, Suite 210, San Francisco, CA 94102
www.sfdph.org/eh (415) 252-3800

Date: 10/2/10
Time In: 2:15
Time Out: 3:30

Location Address: 1713 Fulton
Facility Name: Bistro Equinus
Owner Name: Kollensioy
Phone: 850-6230
Inspection Type: Complaint
Re-Inspection Date:
Location I.D.: 59621
License Certificate Class No.:
Exp. Date:
Person In Charge: Ols
Cert. Food Handler:
Exp. Date:

SECTION 1: High Risk Violations (HRV) 7 Pts Each
HRV disqualifies Symbol of Excellence OB\* COS\*

The marked violations are California Food Code violations and must be corrected as follows.

- EMPLOYEE HEALTH / HYGIENE
1 Communicable disease -- reporting, restrictions & exclusions
PREVENT CONTAMINATION BY HANDS
2 Hands not clean / improperly washed / gloves improperly used
TIME & TEMPERATURE RELATIONSHIPS
3 Improper hot / cold holding temperatures
4 Time as a public health control --- Procedures and/or records needed
5 Improper cooling methods
6 Improper cooking time / temperatures
7 Improper Reheating
PROTECTION FROM CONTAMINATION
8 Food in poor condition -- unsafe / adulterated
9 Food contact surfaces not cleaned/ sanitized
FOOD FROM APPROVED SOURCES
10 Food obtained from an unapproved source
HIGHLY SUSCEPTIBLE POPULATIONS
11 Licensed health care facilities / public & private schools / prohibited foods offered
WATER / HOT WATER
12 No Hot Water / No Water
LIQUID WASTE DISPOSAL
13 Sewage / Wastewater Disposal Inoperative
VERMIN
14 Rodents / Roaches / Flies / Other Animals
15 OTHER (Specified in report)

Complaint
Attention: Ventilation system producing excess noise.
Investigation: Measurements taken for twenty minutes. Ten minutes with the noise source on, ten minutes with the noise source off. Two locations were used - the NW corner of the property placed at 5ft from the roof and the SE corner at 5ft.
Measurements: NW corner with sound 64.5 dBA
NW corner without sound 62.5 dBA
= 2 dBA difference
SE corner with sound 59.5 dBA
SE corner without sound 52.1 dBA
= 7.7 dBA difference

SECTION 2: Moderate Risk Violations 4 Pts Each

- DEMONSTRATION OF KNOWLEDGE
16 Lack of food safety knowledge / no food safety certification
EMPLOYEE HEALTH / HYGIENE
17 Discharge from eyes / nose / mouth
18 Employee Practices: tobacco/ eating/ other
PREVENT CONTAMINATION BY HANDS
19 Inadequate / Inaccessible handwashing facilities & supplies
TIME & TEMPERATURE RELATIONSHIPS
20 Improper hot / cold holding temperatures
21 Time as a public health control -- Procedures / records needed
PROTECTION FROM CONTAMINATION
22 Returned / reservice of food
23 Food in poor condition/ unsafe/ adulterated
24 Food contact surfaces not clean / sanitized
FOOD FROM APPROVED SOURCES
25 Non-Compliance with shell stock tags/ condition / display
26 Non-Compliance w/ Gulf Coast Oyster Regs

Reinspection Fee Applicable For Violations No. 1 Thru 15
All Food Preparation & Service Facilities Must Post This Inspection Report. Failure to Comply May Result In A Citation And / Or Fines.
REHS (Print): Low
Signature:
Phone: 252-3806
Received by:



Exhibit "L"



# FOOD INSPECTION REPORT

SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH  
ENVIRONMENTAL HEALTH SECTION  
1390 Market Street, Suite 210, San Francisco, CA 94102  
www.sfdph.org/eh (415) 252-3800

Date:	10/26/10
Time In:	8:30
Time Out:	10:30

Page 1 of 1

Location Address: 1013 Fulton	Inspection Type: Complaint Reinspection
Facility Name: Bistro Cambians	Re-Inspection Date:
Owner Name: McHvision LLC	Phone: 850-6230
	Location I.D.: 54621

<input type="checkbox"/> Permit Posted <input type="checkbox"/> Inspection Report Posted	License Certificate Class No.:	Exp. Date:
Person In Charge: Olga Alvarez	Cert. Food Handler:	Exp. Date:

### SECTION 1: High Risk Violations (HRV) 7 Pts Each HRV disqualifies Symbol of Excellence OB\* COS\*

The marked violations are California Food Code violations and must be corrected as follows:

- EMPLOYEE HEALTH / HYGIENE**
- 1 Communicable disease -- reporting, restrictions & exclusions
- PREVENT CONTAMINATION BY HANDS**
- 2 Hands not clean / improperly washed / gloves improperly used
- TIME & TEMPERATURE RELATIONSHIPS**
- 3 Improper hot / cold holding temperatures
- 4 Time as a public health control --- Procedures and/or records needed
- 5 Improper cooling methods
- 6 Improper cooking time / temperatures
- 7 Improper Reheating
- PROTECTION FROM CONTAMINATION**
- 8 Food in poor condition -- unsafe / adulterated
- 9 Food contact surfaces not cleaned/ sanitized
- FOOD FROM APPROVED SOURCES**
- 10 Food obtained from an unapproved source
- HIGHLY SUSCEPTIBLE POPULATIONS**
- 11 Licensed health care facilities / public & private schools / prohibited foods offered
- WATER / HOT WATER**
- 12 No Hot Water / No Water
- LIQUID WASTE DISPOSAL**
- 13 Sewage / Wastewater Disposal Inoperative
- VERMIN**
- 14 Rodents / Roaches / Flies / Other Animals
- 15 OTHER (Specified in report)

Complaint, Reinspection - with Inspector Muller

A noise measurement taken on 10/21/10 showed compliance with the noise measurement (77 dBA above the ambient).

The complainant requested an evening noise reading, so Senior Inspector Muller and I took noise measurements at first level (Five feet) at the property plane of the roof.

Measurements recording the high repeating noise level were 61.7 dBA.

Measurements recording the low repeating noise level without the noise source (ambient) were 54.0 dBA.

The difference of 77 dBA falls within the allowable dBA range and is thus in compliance.

### SECTION 2: Moderate Risk Violations 4 Pts Each

- DEMONSTRATION OF KNOWLEDGE**
- 16 Lack of food safety knowledge / no food safety certification
- EMPLOYEE HEALTH / HYGIENE**
- 17 Discharge from eyes / nose / mouth
- 18 Employee Practices: tobacco/ eating/ other
- PREVENT CONTAMINATION BY HANDS**
- 19 Inadequate / inaccessible handwashing facilities & supplies
- TIME & TEMPERATURE RELATIONSHIPS**
- 20 Improper hot / cold holding temperatures
- 21 Time as a public health control --- Procedures / records needed
- PROTECTION FROM CONTAMINATION**
- 22 Returned / reservice of food
- 23 Food in poor condition/ unsafe/ adulterated
- 24 Food contact surfaces not clean / sanitized
- FOOD FROM APPROVED SOURCES**
- 25 Non-Compliance with shell stock tags/ condition / display
- 26 Non-Compliance w/ Gulf Coast Oyster Regs

Reinspection Fee Applicable For Violations No. 1 Thru 15  
All Food Preparation & Service Facilities Must Post This Inspection Report.  
Failure to Comply May Result In A Citation And / Or Fines.

REHS (Print): Guy Hernandez	Signature: [Signature]
Phone: 757-3056	Received by: [Signature]

## Complaint Report for Location ID 59621 at 1813 FULTON St

ComplaintID: 38582 Assigned to: Ryan Clausnitzer  
Date Entered: 10/20/2010 DBA: Bistro Gambrinus  
CrossStreet1: Masonic Av. CrossStreet2: Address: 1813 FULTON St Unit #:  
Census: 165 Block: 1187 Lot: 001 District: 2

Location Type: Restaurant, 1000 - 2000 sq' Notice Date: \_\_\_\_\_  
Owner Name: Noblevision LLC  
Owner Phone: 415 850 6230 Billable Reinspection Date(s): \_\_\_\_\_  
Owner Address: 18 Dorado Terrace #7 DateAbated: \_\_\_\_\_  
Contact Name: Oleg Popok Abate Notes: \_\_\_\_\_  
Contact Phone: 415 221 7777

### Complaint Description:

Their vent machine very noisy. Particularly from my bedroom. Is noise level within compliance?

Complaint Taken By: Nancy Thomas

## Inspector/Investigator's Report

Date: 10/21/10 - Noise level falls within acceptable levels. (initials)  
10/26/10 - 2<sup>nd</sup> evening noise level also within acceptable levels.

Complaint Notes Entered into EHD:



DEPARTMENT OF PUBLIC HEALTH  
City and County of San Francisco

**RYAN CLAUSNITZER, R.E.H.S.**  
ENVIRONMENTAL HEALTH INSPECTOR  
ENVIRONMENTAL HEALTH

1390 MARKET STREET, SUITE 210 Phone: (415) 252-3856  
SAN FRANCISCO, CA 94102 Fax: (415) 252-3842  
Email: ryan.clausnitzer@sfdph.org

Exhibit "M"

## Online Permit and Complaint Tracking

### COMPLAINT DATA SHEET

**Complaint Number:** 201155207  
**Owner/Agent:** OWNER DATA SUPPRESSED  
**Owner's Phone:** --  
**Contact Name:** --  
**Contact Phone:** --  
**Complainant:** COMPLAINANT DATA SUPPRESSED  
**Date Filed:** 08/30/2011  
**Location:** 1813 FULTON ST  
**Block:** 1187  
**Lot:** 001  
**Site:**  
**Rating:**  
**Occupancy Code:**  
**Received By:** Adora Canotal  
**Division:** PID  
**Complainant's Phone:**  
**Complaint Source:** TELEPHONE  
**Assigned to Division:** BID  
**Description:** Full service restaurant (Gambrinus Restaurant) is in operation till 2:00 am without a permit. (Permit Application still in file status) A lot of urination, vomiting, smoking outside the restaurant.

**Instructions:**

#### INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	QUINLAN	6163	14	

#### REFERRAL INFORMATION

#### COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
08/30/11	CASE OPENED	BID	Quinlan	CASE RECEIVED	
09/01/11	UNKNOWN	BID	Quinlan	CASE ABATED	

#### COMPLAINT ACTION BY DIVISION

NOV (HIS): NOV (BID):

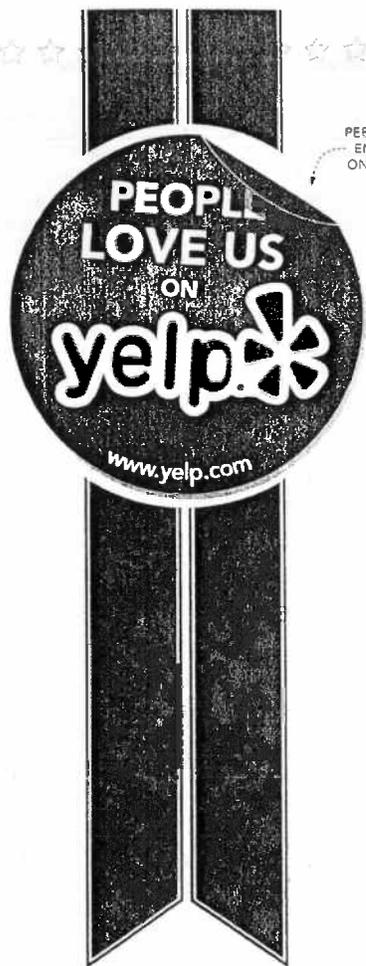
Inspector Contact Information

[Online Permit and Complaint Tracking home page.](#)

#### Technical Support for Online Services

If you need help or have a question about this service, please visit our FAQ area.

Exhibit "O"



PEEL AND STICK THE ENCLOSED CLING ON YOUR WINDOW!

September 2011

Congratulations! Locals around San Francisco say you have one of the best spots in the city. How do we know? They've been busy writing reviews about you on Yelp, and last we checked, you had 130 Yelp reviews and an average rating of 4 stars out of 5. Any way you slice it, that's impressive.

It's official - People on Yelp love you!

### Bistro Gambrinus

As a result, you have earned the enclosed limited-edition, "People Love Us on Yelp" window cling in recognition of being such a well-loved local favorite. Display it proudly to let Yelpers in San Francisco know that you are Yelp approved and a business worth checking out!

To see for yourself what locals are saying about you visit [www.yelp.com](http://www.yelp.com) and search for "Bistro Gambrinus" in "San Francisco, CA." You'll find honest opinions, glowing praise, constructive feedback... and let's face it, you're curious.

But, don't forget to hang that window cling first - you've earned it.

Huge congratulations from all of us at Yelp!

Jeremy Stoppelman, Yelp Co-Founder and CEO

## Yelp Deals

TAKE A LOOK!  
THEY'RE NEW!

### Win Over More Customers with a Yelp Deal on Your Listing!

It's easy with your Yelp Business Account.

Just log back in at [biz.yelp.com](http://biz.yelp.com) and click "Yelp Deals" or call **877-767-YELP** (877.767.9357).



# SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

## NOTICE OF BUILDING PERMIT APPLICATION (SECTION 312)

On May 10, 2011, the Applicant named below filed Building Permit Application No. 2011.05.10.5758 (Alteration) with the City and County of San Francisco.

CONTACT INFORMATION		PROJECT SITE INFORMATION	
Applicant:	Sergey Sharapov	Project Address:	1813 Fulton Street
Address:	1813 Fulton Street	Cross Streets:	Ashbury Street / Masonic Avenue
City, State:	San Francisco, CA 94112	Assessor's Block /Lot No.:	1187 / 001
Telephone:	(415) 850-6230	Zoning Districts:	NC-1 / 40-X

Under San Francisco Planning Code Section 312, you, as a property owner or resident within 150 feet of this proposed project, are being notified of this Building Permit Application. You are not obligated to take any action. For more information regarding the proposed work, or to express concerns about the project, please contact the Applicant above or the Planner named below as soon as possible. If your concerns are unresolved, you can request the Planning Commission to use its discretionary powers to review this application at a public hearing. Applications requesting a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown below, or the next business day if that date is on a week-end or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

PROJECT SCOPE			
<input type="checkbox"/> DEMOLITION	and/or	<input type="checkbox"/> NEW CONSTRUCTION	or <input type="checkbox"/> ALTERATION
<input type="checkbox"/> VERTICAL EXTENSION		<input checked="" type="checkbox"/> CHANGE OF USE	<input type="checkbox"/> FACADE ALTERATION(S)
<input type="checkbox"/> HORIZ. EXTENSION (FRONT)		<input type="checkbox"/> HORIZ. EXTENSION (SIDE)	<input type="checkbox"/> HORIZ. EXTENSION (REAR)
PROJECT FEATURES	EXISTING CONDITION	PROPOSED CONDITION	
COMMERCIAL USE TYPE .....	Small Self-Service Restaurant.....	Full-Service Restaurant	
BUSINESS NAME (IF KNOWN).....	Bistro Gambrinus .....	No change	
TOTAL COMMERCIAL SQUARE-FOOTAGE.....	Approx. ± 950 square feet .....	No change	
PROJECT DESCRIPTION			

The proposal is to legalize the change of use of an existing small-self service restaurant (d.b.a. Bistro Gambrinus) to a full-service restaurant (continuing d.b.a. Bistro Gambrinus).

The existing restaurant space consists of a dining area with seating for approximately 49 persons, service area, kitchen, and restroom. The proposal is to convert from a self-service type restaurant to a full-service type restaurant and will not involve any additional tenant improvements in the existing ground floor commercial tenant space.

PLANNER'S NAME: Sharon M. Young

PHONE NUMBER: (415) 558-6346

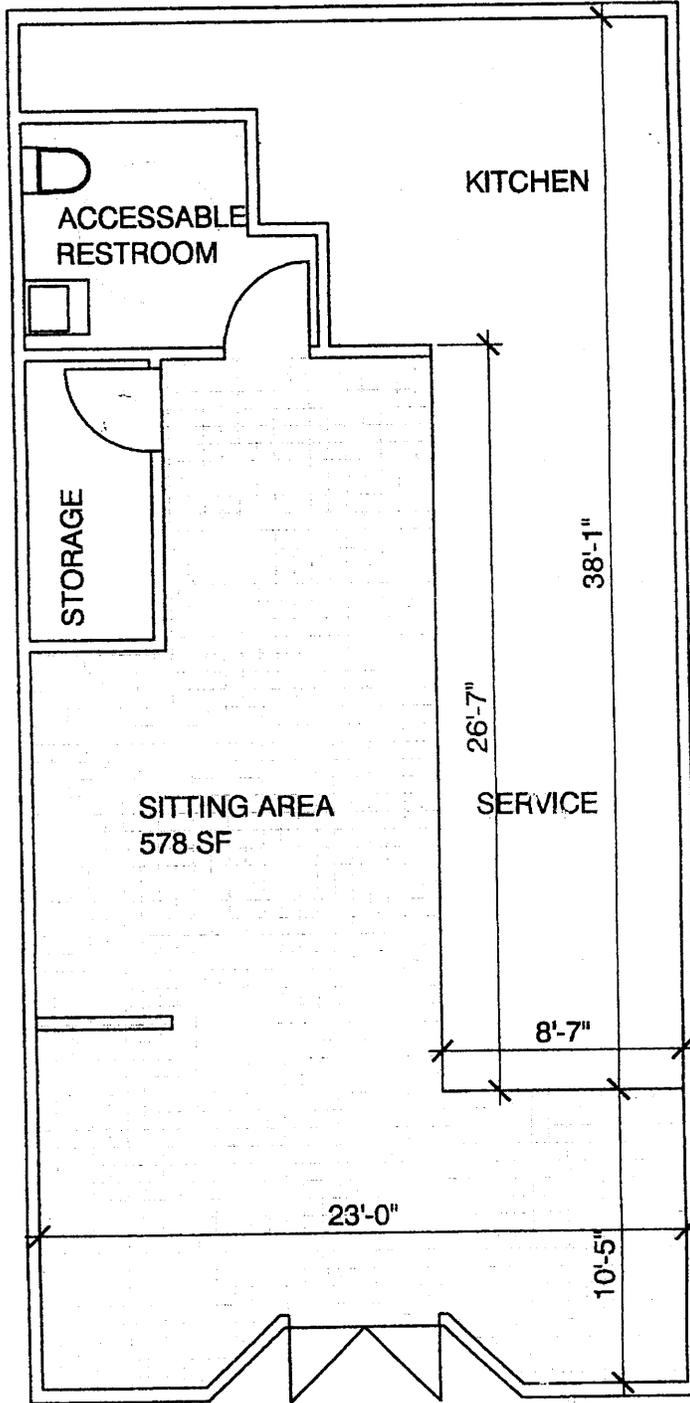
EMAIL: sharon.m.young@sfgov.org

DATE OF THIS NOTICE:

EXPIRATION DATE:

7-15-11  
8-13-11





**RECEIVED**  
 10 27 2011  
 INSPECTION  
 MEETS THE QUALITY  
 STANDARD FOR MICROFILMING  
 ACCEPT

*Sergey Shorogov*  
 5/10/11  
*[Signature]*

1817 Fulton St. San Francisco  
 'Bistro Gambrius' Floor Plan

BISTRO GAMBRIUS  
 1817 FULTON ST  
 SAN FRANCISCO CA 94117  
 415 221 7777  
 WWW.BEERANDGRILL.COM