

# Westside seeks warm welcome, gets cold shoulder

Support nil for plan to move 3 mental health programs to TL

BY MARJORIE BEGGS

**A**BNER Boles, head of Westside Community Mental Health Center, came to the Tenderloin Futures Collaborative in December to garner support for moving three programs, now in Western Addition, into the Tenderloin — 166 Golden Gate near Leavenworth.

Westside's adult crisis, adult outpatient and Assertive Community Treatment (ACT) programs have to move, Boles said, because building owner St. Paulus Church wants the space at 888 Turk St. near Gough.

Westside opened in 1967, a pioneer in community-based mental health treatment. From its administrative offices at Oak near Divisadero it operates 19 programs.

**"Don't get the idea that we don't care. ... but we feel the rest of the city is not pitching in."**

The Rev. Glenda Hope

S.F. NETWORK MINISTRIES

The three it wants to move serve a lot of North of Market folks, Boles said. Adult crisis helps 3,000 clients annually connect with mental health professionals; 75% of the clients live in the TL and SoMa.

Just under half of the 300 to 400 clients in Westside's adult outpatient program live North of Market; 20% to 30% live South of Market; the rest live in the Western Addition, Boles said.

And of the 100 ACT clients, "most are here in the Tenderloin," Boles said. To help them stay in the community, they get food, rent money and other incentives.

The response to the idea of another social service provider in the neighborhood was predictable: Not in My Back Yard.

Who owns the Golden Gate building? came the first question.

Boles said he didn't know. Laughter erupted around the table and several Collaborative members named him: Paul Bochetti.

Bochetti is well-known in the neighborhood. Elaine Zamora, interim district manager of the new TL Community Benefit District, later told The Extra that Bochetti owns 17 apartment buildings, SROs and tourist hotels in the Tenderloin — so many properties, Zamora said, that he is one of the four top owners in the CBD, after the Hilton Hotel, Hastings College of the Law and TNDC. Many of his buildings, which he's owned since the 1960s, are in disrepair, she added.

And Bochetti hasn't been neighborly. "He voted repeatedly against the benefit district and never was

▶ CONTINUED ON PAGE 2

## GARDENIAS FOR REMY IN THE PARK

PAGE 3

## COPS MISFIRE WITH DATA IN LICENSE FIGHT

PAGE 5



## TENDERLOIN TRACK TEAM OFF AND RUNNING

PAGE 6

# CENTRAL CITY

# EXTRA

SAN FRANCISCO

## DECO LOUNGE UNDER FIRE



PHOTOS BY LENNY LIMJOCO

**Male stripper Quiet Storm** started off looking like a ninja all in black before paring down to a G-string to open Strip-o-rama on a Sunday night at Deco Lounge.

# BAR BATTLE

Yee says he'll push bill to give citizens more clout

BY TOM CARTER

**T**HE fight to limit bars in the Tenderloin pits activists against the Alcoholic Beverage Control department and the patchwork system that regulates liquor licenses.

The most recent skirmish is over the

Deco Lounge, a gay bar at 510 Larkin St. that wants to transfer a full bar permit from a Polk Street watering hole that closed two years ago. But neighborhood activists held up the process at a November hearing and the bar owners await the administrative law judge's ruling expected any day now.

New ground rules for the on-again, off-again battle may be the target of legislation in Sacramento next year to give citizens more say-so.

"I'm hearing more and more complaints against the ABC," Assemblyman Leland Yee said in an interview with The Extra. "People are writing letters about the ABC not being responsive. I'm going to be very interested in this in the Senate."

Yee, who as District 4 supervisor authored the moratorium on Tenderloin massage parlors in 1998 and liquor stores in 1999, was back in the neighborhood Jan. 11 to speak at the Alliance for A Better District 6 monthly meeting. Alliance members are primary protesters of the Deco Lounge, though that's not why Yee was there.

Afterward, when asked about the continuing protests over liquor licenses not only in the Tenderloin but Haight-Ashbury and other neighborhoods, Yee said "citizens groups should have a direct voice." The ABC and police can put restrictive conditions on licenses that are based on data, such as security measures in high-crime areas, but may not include all the neighborhood's concerns.

"Citizens groups should be able to put conditions on licenses as well," Yee said. Currently, they can protest in writing to the

▶ CONTINUED ON PAGE 4



**No neighbors** in the 500 block of Larkin Street objected to the bar.

# Asian Inc. does it again

*Developer takes another small building, turns studios into larger units*

▶ CONTINUED FROM PAGE 1

interested in TSIP," Zamora said. "Leroy Looper tried to get him involved on many occasions, but it never worked." Looper is founder of Reality House West, longtime owner of the Cadillac Hotel, across Leavenworth from Bochetti's Verona Hotel.

Asked when the three programs would have to vacate Turk Street, Boles said maybe in two years.

"We've already been looking for two years," he said. "We've begun talks with the owner on Golden Gate, and his building's been vacant for five or six years. We've submitted preliminary architectural plans and he's considering our offer. If all goes well, I think we could occupy it a year from now."

"I'm going out on a limb," said Terrance Alan, Entertainment commissioner and nightclub owner. "This community has the sense that it's serviced the disadvantaged more and longer than any other San Francisco neighborhood. I think your proposal is going to be resisted by those who wonder why it's always the Tenderloin. Why not other neighborhoods?"

"The people we want to serve mostly live here," Boles responded. "We see it as service improvement. But I understand your concern. We have talked to other Tenderloin providers. Some said they'd love to have us here; others said it might be duplicative. So we're considering not moving the outpatient services."

"I wouldn't expect a welcome mat for your project," said David Villalobos, director of Community Leadership Alliance. "How much will the community's input weigh in your decision?"

Boles' reply was short: "We have to have community input."

In San Francisco, public mental health programs and private nonprofits like Westside that have city contracts must follow DPH's 1988 "good neighbor policy." New programs, or programs wanting to move to another neighborhood, have to meet with "residents, merchants and community organizations to discuss . . . any concerns they have," as well as "to allay fears and provide reassurances that we will be good neighbors," states DPH's policy.

Roy Crew, director of Office of Self-Help, a city-funded mental health peer support program at Seventh and Market, told The Extra that because of anti-discrimination laws and provisions of the Americans with Disabilities Act, neighbors rarely win when they oppose the location of a mental health program in their community.

"We'll put the skids on [moving to the Tenderloin] if the community opposes it," he said. "But I hope we can come to a compromise."

Central YMCA Director Carmela Gold didn't think so. "I have strong reservations. We're trying to move the Tenderloin to a residential and business base and away from a provider base." The corner of Golden Gate and Leavenworth, she said, is already "almost debilitating" in the severity of its problems.

"Don't get the idea that we don't care," added S.F. Network Ministries Director Glenda Hope. "We do care about people in need — but we feel the rest of the city is not pitching in."

Boles was asked where Westside would go if the Tenderloin doesn't fly.

"We're looking at other locations. We've already looked in SoMa and the Western Addition, but there were issues of availability and cost." He estimated that it would cost \$1.2 million to \$2 million just for the renovation on Golden Gate.

Boles said he'd return soon.

## TENDERLOIN HOUSING TREND

Continuing a mini-trend toward more housing for families in the Tenderloin, Asian Inc. presented plans in November for a rehab of its 47 low-income rental units at 575 Eddy, a seven-story building that the nonprofit developer bought in 1992.

Project Manager Hershey Hirschkop said 120 people currently live in the building's 35 studios and 12 one-bedroom apartments. After rehab, the number of units will stay the same but will be reconfigured to favor families: the studios will be cut by two-thirds, to 12; the one-bedrooms will more than double, to 29; and six two-bedrooms will be added.

The project is similar to a 29-unit building Asian Inc. renovated in 2004 at 421 Turk St.

Asian Inc. will relocate the tenants during rehab.

"We're planning to rent neighborhood apartments for them, and pay any rent difference and moving costs. When they come back, their rent should be comparable to what it is now, \$600 to \$800 a month," Hirschkop said. "The interior work will be done in three phases so, at most, tenants won't have to be out for more than five or six months."

Besides refurbished apartments they'll find the garage roof converted to a terrace and playground; a new community room, kitchen, computer lab, program office and laundry room; new windows and freshly painted facade; electrical, plumbing, fire, heat and ADA upgrades; and a paved, planted back yard. There will be a half-time social worker to coordinate building activities and refer tenants to other services as needed.

"We've worked hard to keep the tenants involved in what we're doing," Hirschkop said. "We've had a newsletter, several group meetings, and meetings with individual households to find out if they have special moving or relocation needs. I expect we'll lose a few along the way — they may decide to move only once and not want to come back, but we're doing everything we can to make this as easy as possible."

Hirschkop said returning tenants still must still meet the low-income requirement, 30% to 40% of the area median income, which, according to the Mayor's Office of Housing Web site, suggests rent for a studio, with utilities, should be capped at \$594, a one-bedroom at \$679 and a two-bedroom at \$764. Market rate rentals for such units are almost double.

It all sounded good to Collaborative members, who had no questions about the \$7.5 million project. About \$3.5 million of that is for the physical rehab, Hirschkop said.

"Re the other costs," she later e-mailed The Extra, "the old partnership sells the property to a new partnership for a third-party appraised price, which can add a few million. Other than that big chunk, [there are] architects, engineers, legal fees, consultant fees for feasibility study, market study, financial consultants, financial fees associated with bond issuance, con-

struction loan interest and fees, relocation costs, operating reserves."

The rehab at 575 Eddy will start early in March.

## FRESH IDEA

Housing covered, the Collaborative moved on to that other essential: food.

Fresh, affordable victuals are abundant in the Tenderloin only on Wednesdays and Sundays, when Heart of the City farmers' market comes to U.N. Plaza.

So Jerry Jai, TNDC staffer who coordinates Collaborative meetings, invited Literacy for Environmental Justice, a Bayview-Hunters Point youth group working to give residents access to fresh food.

Erin Yoshioka, manager of LEJ's Youth Envision Program, came to talk about its "good neighbor program" staffed by young volunteers and interns. The two-year pilot is a partnership of LEJ, Supervisor Sophie Maxwell and the city's Tobacco Free Project.

"In our community," Yoshioka said, "we're concerned about supermarket flight, lack of fresh produce, and all the junk food, alcohol and smoke products sold at corner markets." Sounds like the Tenderloin.

The project started with a baseline survey of what Bayview stores were selling. Its goals were modest: Get eight stores to increase their stock of healthy comestibles by 30%, 10% of which have to be fresh. Stores must take food stamps and participate in WIC, a federal nutrition program for women and their young children, plus the stores have to limit tobacco and alcohol advertising.

"In our survey, we found that one store was getting \$1,200 a month for displaying a single tobacco poster," paid for by the tobacco company,

Yoshioka said.

LEJ offers perks to stores that join: signs identifying them as a "good neighbor" to post in their windows; group-buying at wholesale prices plus free delivery; free in-store energy-efficient retrofits; promotional advertising through coupons and store tastings; training in how to stock produce with minimum loss; modest facade improvements; and help writing grants to get funding for larger renovations.

And the outcomes to date?

"We have four stores actively participating and three more are in the process of signing up," Yoshioka said.

Collaborative members listened politely to the presentation but asked no questions afterward.

A few weeks later, Jai told The Extra that he didn't sense a big "spark" in Collaborative members' interest, but, he said, he hoped that the idea might set a bonfire under someone in the Tenderloin. (See sidebar.) ■

## Extra to publish map of fresh food in Tenderloin

SAN FRANCISCO Study Center, which publishes Central City Extra, has completed a fresh food survey in Bayview-Hunters Point and in the Tenderloin under grants from the Bay Area Nutrition and Physical Activity Collaborative and the S.F. Department of Public Health.

It will publish maps of all fresh food outlets in the city's two lowest-income neighborhoods. Tenderloin is on the bottom, with an average annual income of \$15,000 below Bayview.

The Tenderloin map also will be published in a coming issue of The Extra, said Publisher Geoff Link. ■

## CORRECTIONS

The November 2005 Extra stated that the Mid-Market Redevelopment Plan would have a hearing Nov. 22 before the Board of Supervisors, based on information received from the clerk. The plan is not yet scheduled for a hearing. The 3% decline Redevelopment reported in the project area's property value was a one-year comparison, 2005-06, to the previous year. The area's low-income residents, plus those from surrounding neighborhoods including the Tenderloin, would be eligible for affordable housing.

In the bedbug story, the Tenderloin Housing Clinic found 52 buildings that were infested; 28 were hotels and the rest apartment buildings. ■



CENTRAL CITY EXTRA is published monthly by San Francisco Study Center Inc., a private nonprofit serving the community since 1972. The Extra was initiated through grants from the S.F. Hotel Tax Fund and the Richard and Rhoda Goldman Fund. The contents are copyrighted by the San Francisco Study Center, 1095 Market Street, Suite 602, San Francisco, CA 94103. PHONE: (415) 626-1650 FAX: (415) 626-7276 E-MAIL: centralcityextra@studycenter.org

EDITOR AND PUBLISHER: Geoffrey Link  
SENIOR WRITER/EDITOR: Marjorie Beggs  
REPORTERS: Tom Carter, Phil Tracy, Anne Marie Jordan, Meg Dixit  
DESIGN AND LAYOUT: Lenny Limjoco  
DESIGN CONSULTANT: Don McCartney  
PHOTOGRAPHERS: Lenny Limjoco, Mark Ellinger  
CONTRIBUTORS: Adrian D. Varnedoe, Diamond Dave, William Crain, Mark Hedin, John Burks, Eric Robertson  
EDITORIAL ADVISORY COMMITTEE: David Baker, Michael Nulty, Debbie Larkin, Nicholas Rosenberg, Brad Paul, Tariq Alazraie

Central City Extra is a member of the SAN FRANCISCO NEIGHBORHOOD NEWSPAPER ASSOCIATION

# GOOD NEWS for...

**FOR 4TH, 5TH GRADERS** De Marillac Middle School, which celebrated its fifth anniversary Jan. 29 with a 12:15 p.m. Mass at St. Boniface followed by a school open house, announced that it will add grade 4 next year and grade 5 in 2007. "We won't be a grades 6 through 8 middle school anymore, but this is what seems to be needed in the community," said school President Catherine Ronan Karrels. The name of the school will change, but that's still TBA, she said. De Marillac, a Catholic school sponsored by the De La Salle Christian Brothers and the Daughters of Charity, is accepting applications for 2006-07, including for 4th-grade students. The 5th grade will open in 2007-08. Karrels expects the additional grades to push enrollment to 100. Sixty students are enrolled now. Nearly 50 live in the Tenderloin or nearby, she says. The school is tuition-free, but students' families, which must be low-income, are asked to pay a \$30-\$75 monthly activity fee, she said. Call 552-5220 or [www.demarillac.org](http://www.demarillac.org).

**KIDS IN CARS** The Department of Public Health's Community Health Education Section is launching an \$80,000 child passenger safety project this month that teaches low-income families, families of color, and families for whom English is a second language how to keep their children safe in vehicles. According to project head Nicamer Tolentino, 124 children were injured in car accidents in the city in 2004, nearly triple the number two years earlier. Four community agencies will receive \$20,000 each to operate the 10-month program. A Feb. 14 special event will offer free inspection and installation of car and booster seats, and — best of all — free boosters to the first 42 families that show up or call for an inspection and installation appointment. The event will be held from 9:30 a.m.-1 p.m. in the Cala Foods parking lot, 1245 South Van Ness, between 23rd and 24th streets. For appointments, call Yecenia Zamora, 982-4777 x23, Feb. 7-9. Project info: 581-2420 or [nicamer.tolentino@sfdph.org](mailto:nicamer.tolentino@sfdph.org).

**OLDER WOMEN IN RECOVERY** On Jan. 20, the Curry Senior Center, formerly North of Market Senior Services, began offering a support group for women, 55 and up, in all stages of recovery. Staffer Molly Lucier says women who are even thinking about quitting alcohol or drugs, as well as those who've relapsed, are welcome. "There's no commitment required for the group," Lucier says. "Come and try it out and see if it's a good fit." Facilitated by Curry staff, the group will meet Fridays from 2-3 p.m. at 315 Turk. Call Lucier or JoAnn McAbee, 885-2274.

*If you have some good news, send it to [marjorie@studycenter.org](mailto:marjorie@studycenter.org) or [tom@studycenter.org](mailto:tom@studycenter.org).*

## Gardenias in the park for Phillips, gunned down in unsolved slaying

BY TOM CARTER

**R**EMY Phillips, 25, was standing in front of the 21 Club at the corner of Turk and Taylor at 2:40 a.m. on Nov. 11 when someone walked up and pumped multiple rounds into him. It's believed Phillips was wearing a bulletproof vest and there was talk it was a drug-related hit.

Phillips had a history in the 'hood. He was a basketball player, good enough to have left an impression that talented athletes enjoy. And for that reason he got a gardenia bush planted in his memory in Boeddeker Park on Dec. 3, park Recreation Director Robert McDaniels told The Extra.

Homicide Inspectors Herman Jones and Edward Wynkoop are continuing to interview "several" witnesses and pursuing "some leads," a department spokesman said.

Tenderloin Capt. Kathryn Brown said at the Nov. 29 police community meeting that although 50% of the neighborhood's drug busts involving a "lot of dealers from out of town" occur at Turk and Taylor, this homicide was over "a boy-girl thing."

Jones and Wynkoop wouldn't comment on the love angle, SFPD spokesman Dewayne Tully said. And almost a month after the killing, they would neither confirm nor deny that Phillips was wearing a bulletproof vest. But Bob, the daytime bartender at the 21 Club, said the night man — who was still closing up at the time of the slaying — saw a bulletproof vest on the sidewalk next to the body.

Phillips apparently had more than Boeddeker Director McDaniels mourning his death. A shrine sprang up on the corner outside the bar: flowers, candles, beer and whiskey bottles, hand-scrawled notes a couple of feet high.

"Some people were throwing trash on it and burning it and pissing on it," said Bob, who didn't want his last name used, "and it got so big, maybe 6-feet-by-6 feet, that it was blocking the door. It was bad for business. People were complaining."

Two weeks after the shrine went up, Mayor Newsom came into the bar on his Thanksgiving holiday walk through the neighborhood. Bob asked him if the city could remove the messy shrine. "Your wish is my command," Bob said the mayor told him. And the city scraped it up and hauled it away.

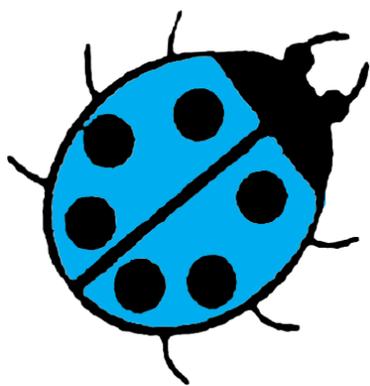
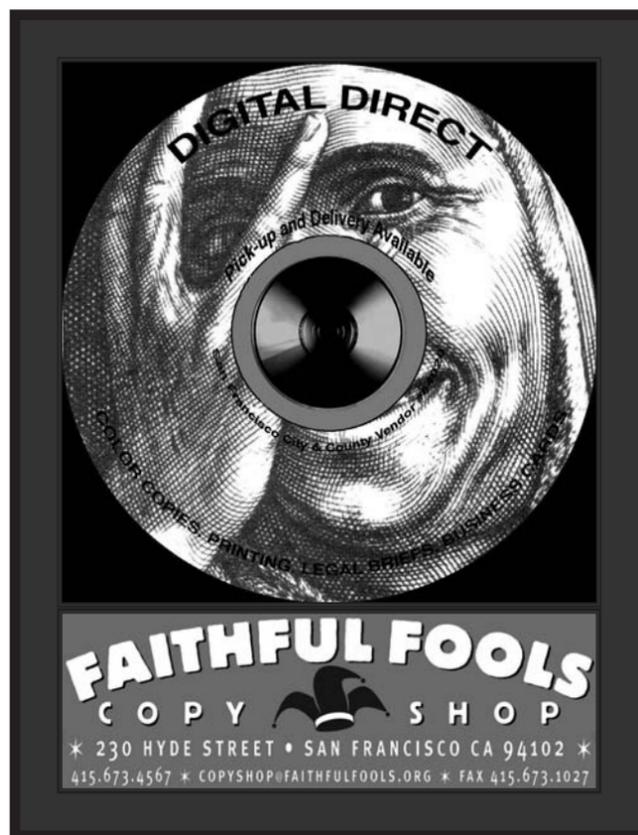
At Boeddeker, McDaniels has been collecting donations among the regulars to buy saplings for the children's corner to honor deceased people who have made contributions to the park. He felt Phillips had made enough of a difference on the court to be worthy.

"He was an all-around point guard and could do anything — he could have played in college," McDaniels said of the stocky 5-foot-7 man he met on the Boeddeker court when Phillips was 18. "He was always encouraging people to play harder and then he'd congratulate them. He made people laugh a lot, too. But a couple of years ago, he drifted away. He only came back every now and then for games."

"I know it wasn't positive the way he died. And I wouldn't normally do this. But he made a difference with basketball."

McDaniels said at the last minute he chose a gardenia shrub for Phillips because of its white fragrant flowers. It is next to the two trees planted for Carmelita Richardson and Joycelyn Marie Jones. Richardson was a 46-year-old mother who died Nov. 1 of brain cancer. She lived over on Third Street but often came to Boeddeker to make barbecue dinners to cheer up homeless people and draw the community together, McDaniels said. The 56-year-old Jones was a retired nurse and park regular who suffered from a painful stomach condition that killed her.

"She never complained and she inspired people and told them not to worry," McDaniels said. ■



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# Eateries add to growing TL license total

► CONTINUED FROM PAGE 1

ABC and, depending on the type of license, testify at supervisors' meetings. "The next generation of liquor license law would give more say to neighborhoods," he said.

Yee said if he wins in November, he'll introduce a citizen-friendly bill to further restrict liquor licenses in neighborhoods that have more than their share.

A veteran of the liquor license fight, David Baker, said it's a losing battle because no elected official wants to say no to new businesses.

"Since the passage of the 1995 ABC law that turned over final decisions to the supervisors, the problem has been with the universe of licenses," Baker said. "The supervisors are okaying everything because they're sympathetic to small businesses. They may think that imposing conditions controls the situation, but it doesn't. Also, places that serve alcohol have a short life — they go out of business and then we're stuck with the license. I think there should be a limit to the universe."

## A TELLING STORY

Three blocks from the Police Community Room where Yee had addressed the Alliance, the gay bar's protracted struggle with Alliance members to transfer its liquor license nine blocks from Polk and Bush to Larkin and Turk offers the opportunity to understand the complex nature of the battle here and, for that matter,

all over the state because the issues are the same in all 58 counties.

The Deco Lounge jumped through all the required government hoops to get its liquor license transferred. But then it faced its stickiest wicket in a four-hour ABC hearing at the Tenderloin Police Station on Nov. 22 because it ignored TL activists along the way.

Seven people in the audience of 16 testified against the license and none for it. The piano bar that features female impersonators and a Sunday night male striptease contest (down to their underwear) has been doing business since Sept. 1 on a temporary license, granted after the ABC determined the applicant is qualified, and extended in December to April 30 because of the protest.

Opponents said the hearing could have been avoided had the bar owners reached out to the community. Six residents, four of them Alliance members acting as individuals, wrote protests to the ABC in June when they learned of the license application. And after the ABC sent it on to the supervisors' City Operations and Neighborhood Service Committee for a recommendation, several protested in person on Aug. 1. On Aug. 12, the full board approved the license 10-0. Supervisor Daly voted for it, and the mayor affirmed it a few days later.

Repeated efforts over several weeks to reach Daly for comment, including by telephone, e-mail and dropping by his office, failed.

The protest is a continuing reaction against bars in the high-crime neighborhood that has more on-sale licenses than state law mandates. The California Business and Professions Code limits general on-sale licenses (for beer, wine and booze) to 1 license for every 2,000 people. The ABC uses the Department of Finance census, which puts San Francisco's population at 799,650.

## 6 TIMES TOO MANY LICENSES

By that measure, San Francisco should have 400 on-sale licenses. It has 2,424. Though many licenses have ancient histories and have been sold and resold, which the ABC can't prevent, new licenses have proliferated since the ratio was established in 1955.

The ABC says the Tenderloin is "authorized" for 94 on-sale licenses for bars and restaurants; the neighborhood has 185. (ABC spokesmen said "authorized" is determined by dividing the county's population by its number of on-sale licenses, then dividing the population of a specific census tract by that number.) However, licenses are being added yearly in the neighborhood through transfers that the ABC approves. It approves some new licenses, too.

Most license transfers are within the same census tract but can go from one San Francisco neighborhood to another, though they cannot come in from another county.

Too many on-sale licenses — citing ABC's data — is the protesters' main complaint. New licenses and transfers coming from outside account for the oversaturation in the Tenderloin.

## TRANSFER FROM POLK ST.

Deco Lounge owners Paul Xavier, Douglas Cox and David Kapp want to transfer a license that Xavier and Kapp had at the Rendez-Vous, a bar at Polk and Sutter in Census Tract 120 until December 2004. The ABC tracks liquor licenses by census tract because of the per-capita ratio.

Deco Lounge was previously another bar, Jezebel's Joint. The census tract is 124 which includes the Civic Center and part of Little Saigon and is just up the block from Harrington's Pub, the neighborhood stalwart that got its license in September 1979. It opened Sept. 1.

After paying the ABC \$2,147 in fees and garnering all the necessary civic approvals, getting the liquor license seemed a slam dunk.

"They (the owners) didn't come to the community," said Marvis Phillips, Alliance member and former president of the North of Market Planning Coalition.

"If they had consulted us, this hearing might not be necessary," said Michael Nulty, Alliance president who requested the hearing before Administrative Law Judge Arnold Greenberg. "We just want to be in the loop."

Phillips, Nulty and his brother John, Susan Bryan and two other residents had written protests in June objecting to the over-subscription of licenses, the bar's location in a high-crime area, the noise it might cause, possible loitering outside, and the proximity of the Tenderloin Community School 1? blocks west on Turk.

The Tenderloin Futures Collaborative repeatedly invited the Deco Lounge co-owners to address its monthly meeting, a TFC spokesman said, but Kapp later said he didn't have time to attend.

## THE APPLICATION PROCESS

Applying May 23 for the liquor license transfer, the Deco Lounge owners were required to hand deliver to the ABC a written explanation of their intentions, get fingerprinted, then post notice of the application on the premises. The owners also had to place an ad in a newspaper three times announcing the application. Foes had 30 days to oppose the transfer.

After receiving the lounge's type 48 full bar on-sale transfer application, the ABC

## Battle the neighborhood won

### Off-sale moratorium still on

ACTIVISTS trying to stem the tide of on-sale liquor licenses in the Tenderloin will have to work hard to match the chutzpa of an earlier liquor battle — the one that ended in an off-sale license moratorium that morphed into an outright prohibition, part of the city's Planning Code.

In 1998, fresh from two successful campaigns — the first banned new smoke shops in the neighborhood, the second new massage parlors — a group called Tenderloin Community on Patrol set its sights on liquor stores.

Assemblyman Leland Yee, then a supervisor for District 4 (Sunset and Parkside), sponsored an ordinance to prohibit any new liquor store from opening in the North of Market Residential Special Use District, an area bounded by Post, Polk, Golden Gate and Taylor.

"We had a little coalition that got the three moratoriums enacted," recalled Jim Thompson, property manager at 165 Turk and founder of TCOP. "I remember going to a workshop and apparently we'd achieved some degree of fame across the state for our three campaigns."

Others in TCOP were resident David Baker, TL police Capt. Susan Manheimer (now San Mateo city police chief), former TNDC Executive Director Kelly Cullen, other TNDC staff, and "people who floated in and out of the group," Thompson said.

"Leland really was the one who kicked off the liquor law, but we all worked on it," he said. "I remember that Leland found out that the Tenderloin had the highest concentration of off-sale licenses outside of New York."

When the moratorium went into effect, the special use district had one off-sale license for every 327 residents, according to Yee, who was quoted in the March 16, 1999, Chronicle. A week earlier, the Examiner had reported that, citywide, there was an off-sale license for every 719 residents. The state authorizes 1 for every 1,250 residents in the county.

Over the years, San Francisco has been

joined by other cities and counties that have called a halt to off-sale beer and wine licenses. According to the ABC, as of January 2005, 46 of California's 58 counties had full or partial moratoriums on off-sale licenses. The ABC updates its list of moratoriums every five years. Since 2000, 28 cities and one county, San Bernardino, no longer had moratoriums; nine cities and one county, Marin, had enacted new moratoriums.

## FORTIFIED WINE FIGHT

The Tenderloin had an earlier fight against neighborhood booze that was less formal than the moratorium, but also effective, recalls Baker.

"It was in the late 1980s — not really a campaign but more a PR appeal to the wineries like Gallo and others to stop promoting the sale of cheap fortified wines in the Tenderloin," Baker said. "Those high-alcohol-level wines really appealed to the wino trade. North of Market Planning Coalition and some individuals met with Gallo's general manager and he was responsive. Gallo, for one, quit selling in the Tenderloin."

Brad Paul, senior program officer and housing specialist with Evelyn and Walter Haas Jr. Fund, was head of NOMPC at that time. "Off-sale was the big issue," he said.

"We had a grocery store in our building, at Eddy and Jones, and it sold individual cigarettes and paper cups of fortified wine," he said. People would stand around outside, he remembers, getting drunker and drunker and "bothering everyone."

Paul says he doesn't have a problem with on-sale licenses, especially those for restaurants whose evening hours and clientele are good for the Tenderloin.

No one has compared bar numbers over the years, but Thompson says that at least in his immediate vicinity, he's seen a significant drop. "On Turk, I can count at least four bars that have closed in the last 10 years," he said. ■

— MARJORIE BEGGS

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# Protest on Powell over 2-license request

*Police report shows high-crime data for wrong census tract*

BY TOM CARTER

**S**AM Sirhed wants to kick things up a notch at his marble-floored, three-story Gallery at 222 Powell St.

Operating his upscale business for almost a year after sinking \$6.5 million into the building, Sirhed offers eclectic objects such as 6-foot-long carved elephant tusks and matching lion statues as well as exotic furniture, jewelry and paintings. Now he'd like to have wine tastings, too, and sell gourmet wines and spirits to go — along with caviar, fine cheeses and pates. So he applied last October to the state's Alcoholic Beverage Control for two liquor licenses, one a transfer, the other new.

His applications are being protested by North of Market Planning Coalition, one of the Deco Lounge opponents and the head of the TL community benefit district. The police also recommend disapproval. The case is before the Board of Supervisors, but with incorrect data from the police.

The police report to the supervisors committee that is reviewing Sirhed's application uses data from a Tenderloin census tract indicating much higher crime in the area than across the street in Census Tract 117, where the Gallery is located.

Activist Marvis Phillips got wind of the application in a phone call from the Tenderloin Police Station.

"And I'm the one that got them to the meeting," Phillips says.

That was NOMPC's Oct. 19 meeting. Phillips, its former president, telephoned Sirhed's lawyer at Hinman & Carmichael and said he and others had concerns about the license, even though the business was nearer Union Square than the Tenderloin. Could they, or Sirhed, attend the meeting and explain the intentions?

Sirhed's lawyer, Barry Strike, took the high road and went to the neighborhood group's meeting hoping to get support. Strike explained why Sirhed needed a type 42 license for the on-sale beer and wine and a type 21 off-sale general that he would transfer from 4100 24th St., formerly Graystone Wine and Liquor now Vendima Vintage, a women's clothing store.

But NOMPC and Phillips weren't buying it. They said they were concerned about anything that might encourage the longtime TL scourge of brown bag

drinking and public intoxication. And type 21 to them smelled like a liquor store, although Sirhed's plan didn't sound like one.

"NOMPC instructed me to work out the conditions we wanted on the licenses with the lawyers," Phillips said.

Phillips filed a protest with the ABC on Nov. 11 then met with Sirhed's lawyer on Nov. 29 at the Alexander Residence where Phillips lives. They agreed on a number of conditions, most of them designed to keep the proposed "Gallery Market" from resembling a liquor store. In his follow-up letter, Strike told Phillips that Sirhed also agreed to hold fundraisers to donate revenue "to worthy non-profit organizations, including NOMPC."

But Phillips said he still worried that "market" in the new name would appeal to the brown-baggers. Moreover, what if Sirhed went out of business? What might a license transfer bring? Phillips hasn't met again with Strike.

Police oppose the license. According to a Vice Crimes report to the supervisors' committee that will review Sirhed's application, 1,506 police reports were filed in 2003 in the plot where 222 Powell resides, five times the 282 reports that defined a high-crime area.

The report by Inspector Dave Falzon on Nov. 30 also said the Gallery is in Census Tract 123 where there are 3 to 4 times more licenses than allowed. Twenty on-sale licenses are "authorized" and 77 are "active"; eight off-sale are authorized and 27 exist, the report said.

Under law, the ABC cannot approve an off-sale type 21 license in an area having an "undue concentration" of them unless the Board of Supervisors finds that "public convenience and necessity" would be served.

"Vice Crimes Division concurs with the DISAPPROVAL recommendation forwarded by Tenderloin Police Station," the report says, using capital letters.

However, 222 Powell is not in Tract 123. It is in Tract 117, which begins across the street. And the 77 on-sale licenses don't match up with a 71 count from a current list compiled by the ABC and supplied The Extra. Falzon couldn't be reached because he is on extended medical leave. But a spokesman said the difference might be 2003 numbers versus 2005 numbers, or an inclusion of licenses of clubs, caterers, theaters or seasonal permits. The ABC issues 80 different types of licenses.

Tracts aside, the address is in Tenderloin Station's triangle of jurisdiction, which is sided by Geary, Market and Larkin.

Officer Mike Torres, who reviews permits and applications for the TL police, says he doesn't see "any benefit" in approving either license. "It adds more," he says, "and the whole idea is to have less."

Torres repeated his objection before the supervisors' City Operations and Neighborhood Services Committee that considered the license at City Hall on Jan. 23. The committee had put the matter over from December. Vice Crimes Inspector Richard McNaughton opposed it, too, as did TL activist Michael Nulty, and Elaine Zamora acting general manager of the new North of Market Community Benefits District. Phillips didn't attend for health reasons, Nulty said.

Sirhed was supported by several business representatives, including Marsha Garland, executive director of the North Beach Chamber of Commerce, who called his upscale venture, "not a liquor store, but fine food and wine," and a potential boon to the city.

Sirhed told the committee he agreed with some of the objections but he needed to go forward. Rents of "\$40,000 a month," he said, are driving businesses off the block. He said he had invited police to come see his business but they told him they were too busy.

Neighborhood Services Chairman Jake McGoldrick got into a shouting match with Sirhed when Sirhed waffled on saying when he learned of the police opposition. "I found out in the last two or three weeks," Sirhed finally said. Police, responding to McGoldrick, said their report was available in December.

Torres said the police hadn't approved an off-sale license in 15 years. He said if Sirhed dropped both licenses and applied for a type 41 license, which allows beer and wine to be sold at a restaurant, the police wouldn't object.

McGoldrick said he "strongly" disapproved of the licenses, but committee members Fiona Ma and Bevan Dufty thought a postponement would give Sirhed and his opposition a chance to work things out. On a 2-1 vote, McGoldrick voting no, the matter was put over until Feb. 6.

Sirhed came to this country 31 years ago and after a stint as a cab driver made his money in real estate, he said afterward. "I have a gallery, I don't want a restaurant." ■

▶ CONTINUED FROM PAGE 4

notified the city agencies that must weigh in on the license decision: the Board of Supervisors, the Police Department and City Planning, which confirms the appropriate zoning.

The supervisors are involved because a 1995 state law prohibits the ABC from awarding outright a full bar license in a high-crime or oversubscribed area. The law allows local government to contain the growth of licenses. But only the ABC decides on applications for restaurants and hotels. First, the ABC investigates the type 48 license applicant and premises, then coordinates the police evaluation and the planning report and shoots the application to a county's Board of Supervisors with a recommendation to approve or not.

In committee, the supervisors consider the reports and hear public testimony. Then it goes to the full board where no testimony is taken. Typically, despite opposition, the supervisors determine that "public convenience or necessity" would be served by granting the license and make their recommendation to the ABC, which invariably approves the license.

The supes' Deco Lounge resolution included fairly standard police conditions on full bars to restrict noise, loitering, littering and prohibit alcohol sales between 2 a.m. and 9 a.m. and off-sale privileges.

Tenderloin crime figures don't stop an application, though state law decrees that if the rate of crime at an applicant's location



PHOTO BY LENNY LIMJOCO

**Pianist Houston Allred**, garrulous son of a Texas governor, mixes politics with his songs on Sundays before strippers take the Deco Lounge stage. "Keep on Lyin' Condoleeza" is his signature piece.

▶ CONTINUED ON PAGE 8