

File No. 131106

Committee Item No. 1

Board Item No. 54

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Neighborhood Services & Safety Date June 19, 2014

Board of Supervisors Meeting Date July 8, 2014

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Legislative Analyst Report
- Youth Commission Report
- Introduction Form (for hearings)
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER (Use back side if additional space is needed)

<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____

Completed by: Derek Evans Date 6/13/14
Completed by: Derek Evans Date 7/2/14

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document ~~4407~~ be found in the file.

1 [Liquor License - 222 Hyde Street]

2
3 **Resolution determining that the issuance of a Type 42 on-sale beer and wine**
4 **public premises license to Larry Livingston for The Basement, located at 222**
5 **Hyde Street (District 6), will serve the public convenience or necessity of the City**
6 **and County of San Francisco in accordance with California Business and**
7 **Professions Code, Section 23958.4, and recommending that the California**
8 **Department of Alcoholic Beverage Control impose conditions on the issuance of**
9 **the license.**

10
11 WHEREAS, Larry Livingston is seeking the issuance of a Type 42 on-sale beer
12 and wine license for The Basement, located at 222 Hyde Street; and,

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

15 WHEREAS, The Police Department has filed one (1) protest with the Department
16 of Alcoholic Beverage Control under California Business and Professions Code, Section
17 24013, and recommends that the Department of Alcoholic Beverage Control issue the
18 liquor license with conditions; and

19 WHEREAS, The conditions recommended by the Police Department are the
20 following: 1) Sales of alcoholic beverages shall be permitted between the hours of
21 11:00 a.m. and 12:00 a.m., Sunday through Wednesday, and 11:00 a.m. until 12:00
22 a.m. on Thursday through Saturday for the first (6) six months, beginning the first day
23 the license is issued; 2) This license shall not be exchanged for an on sale general
24 alcohol license; 3) No noise shall be audible beyond the area under control of the
25 license; 4) Loitering (defined as "to stand idly about; linger aimlessly without lawful

1 business”) is prohibited on any sidewalks or property adjacent to the licensed premises
2 under the control of the licensee as depicted on the ABC-257; 5) No person under the
3 age of 21 shall sell or deliver alcoholic beverages; 6) All sales and service staff (within
4 90 days of hire) shall complete the ABC L.E.A.D class in responsible beverage service.
5 A copy of the certificates shall be kept on premise and shall be presented to law
6 enforcement upon request; 7) The business shall be conducted, at all times, in a
7 manner that will allow them to be easily identifiable as employees by law enforcement.
8 Employee clothing shall be prominently feature the name of the business; 8) The sale
9 of alcoholic beverages for off-sale consumption is strictly prohibited; 9) The Licensee
10 shall provide a minimum of (1) Security Personnel on the exterior of the premise. The
11 interior shall also be staffed appropriately in order to control patrons and prevent
12 disturbances in and near the premise. Special events should be staffed at a ratio of (1)
13 security guard per 75 patrons. Further, Licensee agrees to honor requests of law
14 enforcement if additional security becomes necessary; 10) There shall be no
15 advertising signs of any kind on or visible from the exterior promoting or indicating the
16 availability of alcoholic beverages; and 11) The petitioner shall utilize electronic
17 surveillance and recording equipment that is able to view the outside of the premises,
18 including all entrances and exits. This electronic surveillance shall be utilized during
19 operating hours. Said electronic recording shall be kept at least 30 days and shall be
20 made available to the Department and police department upon request or valid Search
21 Warrant; now, therefore, be it

22 RESOLVED, That in accordance with California Business and Professions Code,
23 Section 23958.4, the Board of Supervisors of the City and County of San Francisco
24 hereby determines that the issuance of a Type 42 on-sale beer and wine license to
25

1 Larry Livingston for The Basement, located at 222 Hyde Street, will serve the public
2 convenience or necessity of the City and County of San Francisco; and, be it

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

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



San Francisco Police Department
ABC Liaison Unit



Alcoholic Beverage License -
Public Convenience and
Necessity Recommendation

To: The San Francisco Board of Supervisors' Committee on City
Operations & Neighborhood Services

Supervisor David Campos
Supervisor Eric Mar
Supervisor Norman Yee

From: Officer Alberto Duarte
ABC Liaison Unit (ALU) 553-1049

Date: November 20, 2013, **AMENDED ON February 4, 2014**

Subject: P.C.N. Investigation Regarding: Larry Livingston
DBA: The Basement
222 Hyde Street
(415) 3073255

Larry Livingston representing, *dba*, The Basement, has filed an application with the California Department of Alcoholic Beverage Control seeking a Type 42 (On-Sale Public Premise) license for 222 Hyde Street. Mr. Livingston plans on the creation of a lounge for the sales of wines and beers. He plans on the continued tradition of a jazz lounge type of atmosphere.

It should be noted that during the application process, notification date for the 500' mailer had not been sent out as of November 18, 2013. The Notice to the Public was posted on November 13, 2013.

For the purposes of this hearing, the California Department of Alcoholic Beverage Control (ABC) seeks a determination from the Board of Supervisors as to the approval or denial of this license.

Police Calls for Service: From September 2012 to September 2013

0 Police calls

Police Reports: From September 2012 to September 2013

0 Reports

San Francisco Plot Information:

This premise is located in Plot 548

The High Crime area is defined as 86 or more police reports in a plot.

This plot had 262 police reports recorded for 2012.

The applicant's premise is located in a "High Crime" area.

State Census Tract Information:

This premise is located in Census Tract 124

Population for this tract is: 9,049

On-sale license authorized by census tract: 30

Active on-sale licenses: 39

Off-sale licenses authorized by census tract: 9

Active off-sale licenses: 11

Applicant's premise is currently located in an "undue concentrated" area.

Letters of Protest: AMENDED ON February 4, 2014

As of November 19, 2013 no letters of protest have been received by the California Department of Alcoholic Beverage Control, (ABC). *On January 28, 2014, The Department of Alcoholic Beverage Control, (ABC), verified one (1) conditional letter of protest.*

Letters of Support:

None recorded with the California Department of Alcoholic Beverage Control, (ABC).

Departmental Recommendation:

Tenderloin Station has recommended approval with conditions.

ALU recommends approval with the following conditions (attached).

File #: 42-539259

First Owner:

Larry Livingston

Name of Business:

The Basement

Location of Business:

222 Hyde Street

San Francisco, CA 94102-3324

Conditions for Type 42 On Sale Beer/Wine (must be 21 yrs or older)

1. Sales of alcoholic beverages shall be permitted between the hours of 11:00-AM and 12:00 AM, Sunday through Wednesday, and 11:00 AM until 12:00 AM on Thursday through Saturday for the first (6) six months, beginning the first day the license is issued.
2. This license shall not be exchanged for an on sale general alcohol license.
3. No noise shall be audible beyond the area under control of the license.
4. Loitering (loitering is defined as "to stand idly about; linger aimlessly without lawful business") is prohibited on any sidewalks or property adjacent to the licensed premises under the control of the licensee as depicted on the ABC-257.
5. No person under the age of 21 shall sell or deliver alcoholic beverages.
6. All sales and service staff (within 90 days of hire) shall complete the ABC L.E.A.D class in responsible beverage service. A copy of the certificates shall be kept on premise and shall be presented to law enforcement upon request.
7. The business shall be conducted, at all times, in a manner that will allow them to be easily identifiable as employees by law enforcement. Employee clothing shall be prominently feature the name of the business.
8. The sale of alcoholic beverages for off-sale consumption is strictly prohibited.
9. The Licensee shall provide a minimum of (1) Security Personnel on the exterior of the premise. The interior shall also be staffed appropriately in order to control patrons and prevent disturbances in and near the premise. Special events should be staffed at a ratio of (1) security guard per 75 patrons. Further, Licensee agrees to honor requests of law enforcement if additional security becomes necessary.
10. There shall be no advertising signs of any kind on or visible from the exterior promoting or indicating the availability of alcoholic beverages.
11. The petitioner shall utilize electronic surveillance and recording equipment that is able to view the outside of the premises, including all entrances and exits. This electronic surveillance shall be utilized during operating hours. Said electronic recording shall be kept at least 30 days and shall be made available to the Department and police department upon request or valid Search Warrant.

Officer Al. Duarte #1433
SFPD, ABC Liaison Unit
Officer M. Torres #906
SFPD, Tenderloin Station

NOTICE

This property is under
video surveillance by
BRINKS
Business Security
Service: 1-800-874-1179
1-800-294-4070

**PUBLIC
TO SELL**

APPLICANT LARRY

PROTECTOR OF LICENSE 42

BY
BRINKS
BUSINESS SECURITY

APPLICANT HAS FILED

IF A VERIFIED PROTEST IS TO BE MADE
THE DEPARTMENT OR DEPARTMENTAL HEARINGS
WITHIN 30 DAYS OF DATE POSTED; PROTEST
APPLICATION AND VERIFICATION FORM MAY

Noted

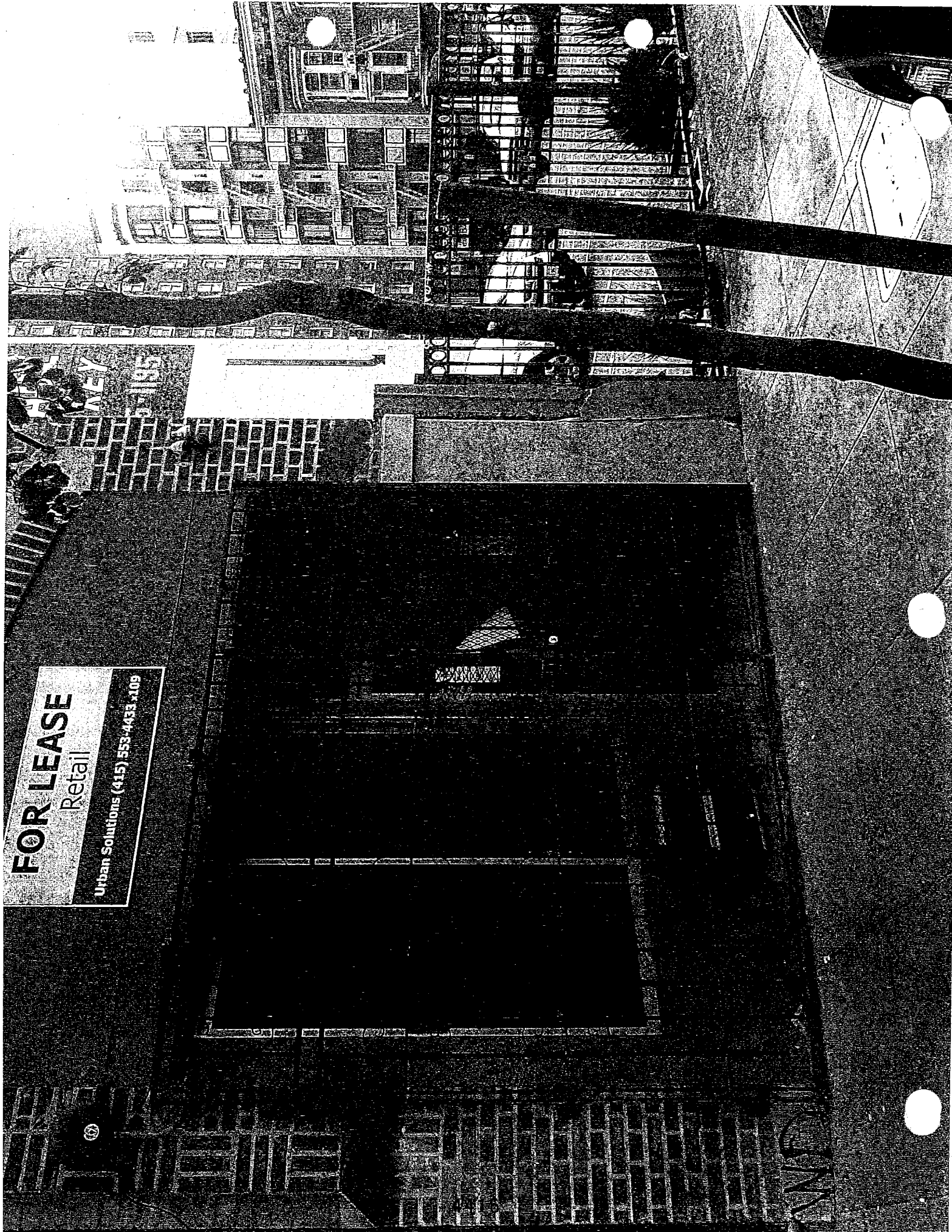
FEES ARE (NOT NON-REFUNDABLE)

DO NOT REMOVE

VERIFIED

FOR LEASE
Retail

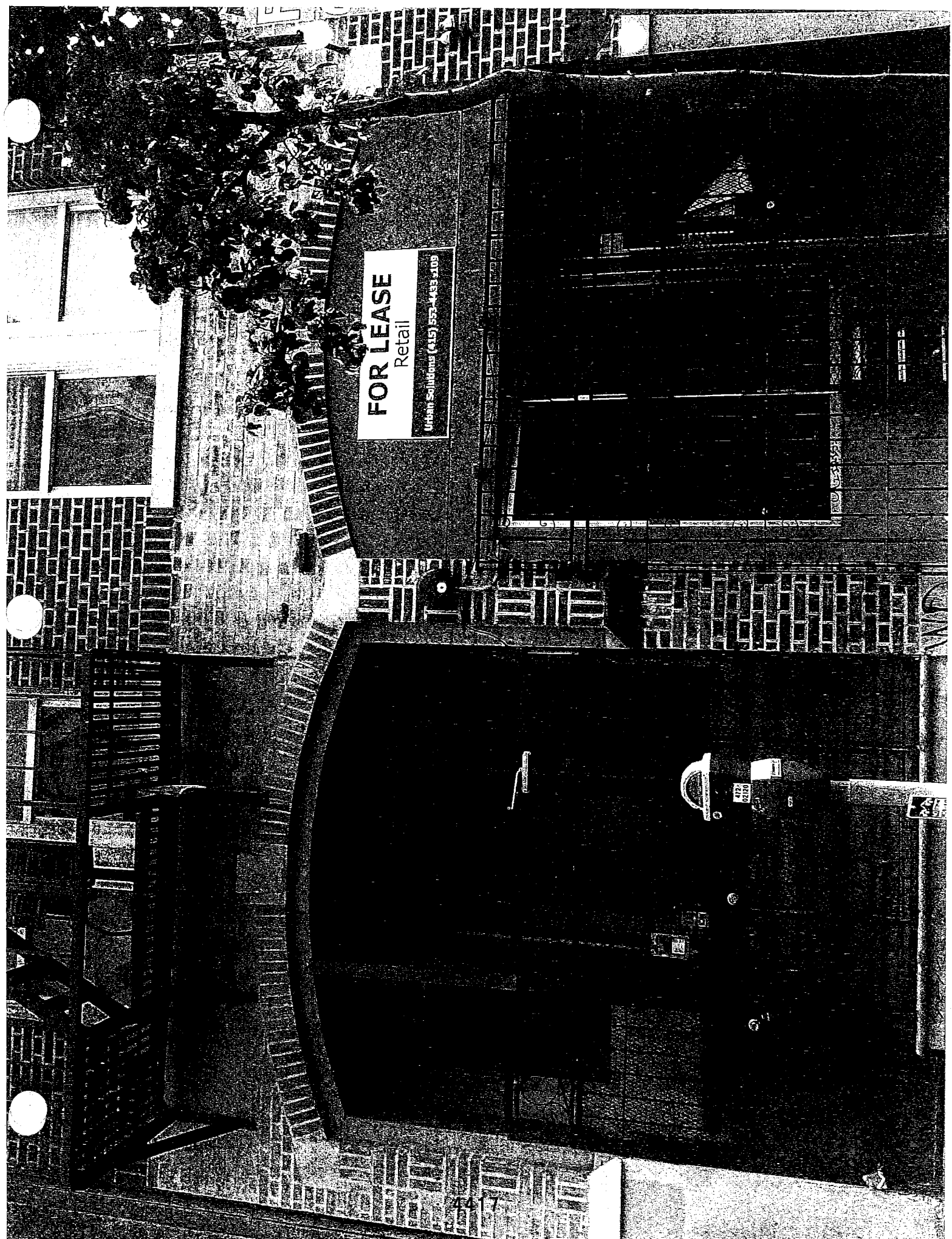
Urban Solutions (415) 553-4433 x109

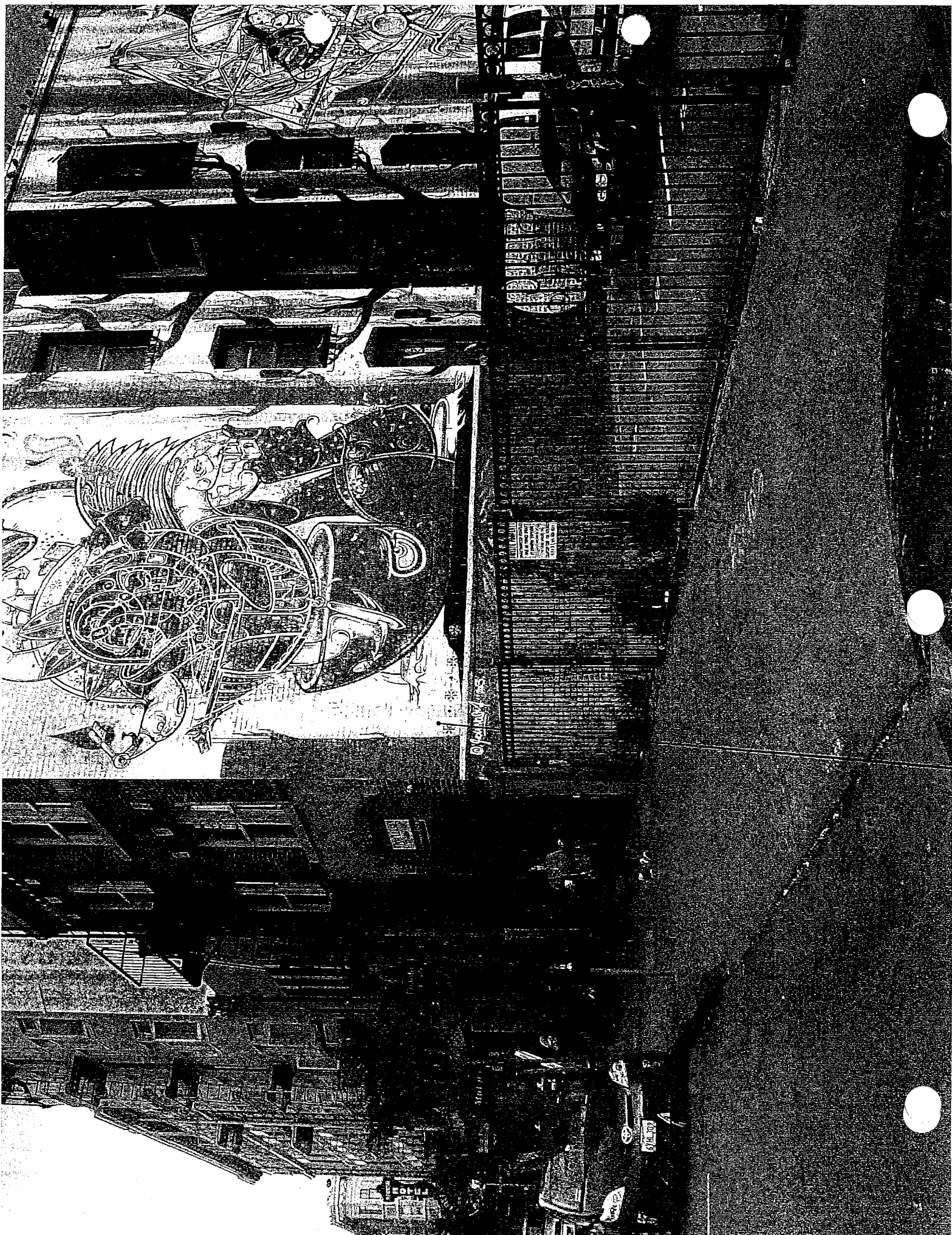


FOR LEASE
Retail
Urban Solutions (415) 555-4433 x109

415
2810

415
2810









4420

June 19, 2014

Dear Supervisors,

Our neighborhood in District 6 is simply overwhelmed. We are already too stressed by an over-saturation of bars and other establishments with the availability of liquor, excessive over-consumption of drinking and socially unacceptable and noisy bad behavior, litter and crime...The BOS must act to protect us from additional threats.

This area of Tenderloin is already designated a high crime area and houses more paroles than any other area of the city trying to recover. There is ample evidence of the extensive substance abuse problems and a consumption issues already here in addition to the crime that accompanies it, including pedestrian deaths and DUIs as well as drunks passed out on the sidewalks every street in the neighborhood.

The premises at issue are located within the immediate vicinity of several children's playgrounds, and issuance of this license would add to the danger facing our neighborhood children.

The bars previously located at this site have provided nothing more than a public nuisance to the community.

What did we learn from the Lower Polk Street Bar Moratorium passed by the BOS in April 2013? This is not a new problem.

We learned there were serious problems associated with mixing a bar into a highly density residential area. The BIG problem here is this is a far more densely populated residential area than that of Lower Polk Street Neighbors that is already suffering without adding another uncontrollable bar.

The applicants at 222 Hyde Street "The Basement" have failed to make an acceptable case that granting this license would be necessary, convenient, desirable, or compatible for this neighborhood. This was a bad initial choice by the Planning Dept. and the ABC initially and it will continue to be for the community. We have an opportunity to correct this error rather than repeat it. Many of the social and drunken behavioral problems associated with the noise issues are not a controllable or a police enforceable issue...as by the

Rec'd in Committee
4421/ten 1- 131106 N SS 6/19

time the police respond the low priority loud and unruly patrons are replaced by others or it subsides for minutes...only to have the noise return when the police leave. Bar owners have not shown they can control the noise problems associated with their bars. We have endured too much of this situation already. It's a culture that that begins with the owners attitude towards a "Good Neighbor Policy" ...this owner by his own admission at public outreach forums has thrown up his hands already as far as proposed crowd control measures and he is yet to even open.

Please help keep some quiet sanity and safety for our residential community by respecting the recommendations of 12-midnight closure of the ALU and the Police Dept. if a permit has to be issued at all. I would recommend denial and seek another more suitable business for this location.

The BOS are allowing the Alcohol Beverage Commission to run unabated to continue to issue more and more licenses than the law allows by finding ways to circumvent the laws that were meant to regulate the procreation of these bars. The law says one license for every ²⁵⁰⁰1854 residents per census tract area...by the explosion of bars in the Tenderloin one would believe the whole city lives in District 6. Please send a strong message to the ABC, let them know they have already wore out their welcome and have become a pariah in this San Francisco neighborhood. If only as much effort was put into enforcement of "Good Neighbor Policies" as put into issuing all these new licenses and transfers to our already oversaturated residential area there would be fewer problems, but that just is NOT the case. Many people believe for the price of a cocktail they can come into our residential area and exhibit socially unacceptable behavior by screaming, vomiting, urinating and defecating in our doorways, entryways, and streets. They come to participate in bad behavior that they cannot get away with in and around their own homes in other neighborhoods. It is a very low police priority and affects the quality of life and sanity of everyone in the neighborhood. This is precisely why this conditional use permit should not be granted for this bar in this problem area in the first place, however if granted hours of operations and conditions should be imposed to ensure our quiet enjoyment of our homes. If they wish to operate a bar with longer hours they should seek another location in another area of the city perhaps near your home.

Sincerely,
Jeffrey Clay Barcus

LIQUOR LICENSE REVIEW

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

File: 131106

TO: Police Department
Inspector Nelly Gordon
Inspector Darcy Keller
Fax No.: 553-1463

DATE: November 12, 2013

This item is tentatively scheduled to be heard in four to six weeks.

PLEASE EMAIL YOUR RESPONSE BY: December 20, 2013, to Derek Evans,
Clerk, Neighborhood Services and Safety Committee.

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

Applicant Name: Larry Livingston
and Business Name: The Basement
(222 Hyde Street)

Applicant Address: 725 Monterey Blvd, Apt 11
San Francisco, CA 94127.
and Phone No. (415) 307-3255

PLANNING COMMENTS: Approval Denial

Type 42 license authorize the Sale of Beer & Wine for consumption
on the premises. permitted per Section 204.8 of the planning code.
Janice Jamhary 11/20/13

POLICE COMMENTS: Approval Denial

Evans, Derek

From: Larry Livingston [larryl@gmail.com]
Sent: Thursday, May 29, 2014 9:40 AM
To: CommunityLeadershipAlliance
Cc: Duarte, Alberto (POL); Angulo, Sunny (BOS); Santos, Edward (POL); Cherniss, Jason (POL); Kim, Jane (BOS); Sainez, Hector (POL); Garrity, John (POL); Evans, Derek; Goossen, Carolyn (BOS)
Subject: Re: 222 Hyde / Type 42 Lic. / Larry Livingston/dba: The Basement / PCN Community Outreach

Dear Ms. Angulo,

Dina Hilliard, Executive Director at North of Market/Tenderloin Community Benefit District agrees that we should be able to open until 2AM for the business sustainability.

Also, Risel Melodias, ABC Officer recommends Thursday to Saturday 2AM close.

However, I will respect any decision made by your office and PCN hearing.

Last 7 months has been very overwhelming and exhausting experience for me.

All I want now is to move forward, open the business and contribute to the community.

Please contact me if you have any question.

Thank you.

- Larry Livingston
The Basement @ 222 Hyde Street
(415) 307 - 3255

On Wed, May 28, 2014 at 6:46 PM, CommunityLeadershipAlliance
<admin@communityleadershipalliance.net> wrote:

To All Addressed- The hours of operation provision remains an issue of business sustainability, and needs to be addressed prior to the re-calendaring of a PCN. Again, please afford Mr.Livingston the opportunity to meet and discuss.

Respectfully
David J.Villa-Lobos, Liquor Licensing Specialist
[415-921-4192](tel:415-921-4192)

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS PRIVILEGED AND/OR CONFIDENTIAL INFORMATION INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED.

From: "Duarte, Alberto (POL)" <Alberto.A.Duarte@sfgov.org>
To: "Angulo, Sunny (BOS)" <sunny.angulo@sfgov.org>; CommunityLeadershipAlliance <admin@communityleadershipalliance.net>; "Santos, Edward (POL)" <Edward.Santos@sfgov.org>; POLICE <alberto.duarte@sfgov.org>; "Sainez, Hector (POL)" <hector.sainez@sfgov.org>; "Kim, Jane (BOS)" <jane.kim@sfgov.org>; "Goossen, Carolyn (BOS)" <carolyn.goossen@sfgov.org>;

"Evans, Derek" <derek.evans@sfgov.org>

Cc: "Cherniss, Jason (POL)" <jason.cherniss@sfgov.org>

Sent: Wednesday, May 28, 2014 1:50 PM

Subject: RE: 222 Hyde / Type 42 Lic. / Larry Livingston/dba: The Basement / PCN Community Outreach

Good afternoon Ms. Angulo,

Yes, the recommendation would be close at midnight and not to have an off-sale component to the area. I will confirm with ABC that the conditions requested are still on file.

Regards,

Alberto Duarte

From: Angulo, Sunny (BOS) <sunny.angulo@sfgov.org>

Sent: Tuesday, May 27, 2014 4:20 PM

To: CommunityLeadershipAlliance; Santos, Edward (POL); POLICE; Sainez, Hector (POL); Kim, Jane (BOS); Goossen, Carolyn (BOS); Evans, Derek

Cc: Cherniss, Jason (POL)

Subject: RE: 222 Hyde / Type 42 Lic. / Larry Livingston/dba: The Basement / PCN Community Outreach

Hi, David.

Taking Commander Garrity off the thread and putting the Tenderloin Station Captain on, Jason Cherniss.

The office continues to have concerns with this license, but I understand that the Clerk is looking for a time to hear the PCN request again so we will look forward to hearing the community's perspective at committee.

Officer Duarte, can you confirm that the ALU's recommendation is still to cap the hours of operation to midnight? We have not heard feedback from neighborhood residents that they want to see the venue stay open longer to ensure the business's sustainability.

Sincerely,

Sunny Angulo

Legislative Aide, District 6

415.554.7969 Direct

415.554.7974 Fax

From: CommunityLeadershipAlliance [mailto:admin@communityleadershipalliance.net]

Sent: Tuesday, May 27, 2014 2:47 PM

To: Santos, Edward (POL); POLICE; Garrity, John (POL); Sainez, Hector (POL); Kim, Jane (BOS); Angulo, Sunny (BOS); Goossen, Carolyn (BOS); Evans, Derek

Subject: Re: 222 Hyde / Type 42 Lic. / Larry Livingston/dba: The Basement / PCN Community Outreach

Re: 222 Hyde / Type 42 Lic. / Larry Livingston/dba: The Basement / PCN Community Outreach

Dear/Honorable SFPD ABC Liaison Unit,

Please have this e-mail serve as a 'Notice of Outreach Completion' for the subject titled liquor license application. The community outreach for this application was extremely extensive and thorough. It's important to note that during the outreach process folks of the Tenderloin voiced their concern as to the Hours of Operation, they strongly feel that closing at 12:midnight will make the business unsustainable. The Tenderloin community does however agree that having an active business at 222 Hyde Street will deter crime, and will enhance public safety, but only if it's able to be a sustainable long term active business.

Please contact the license applicant to discuss possible concessions to the hours of operation. The license applicant, Mr. Larry Livingston, can be reached at: 415-307-3255

Respectfully
David J.Villa-Lobos
CLA Consulting
415-921-4192

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS PRIVILEGED AND/OR CONFIDENTIAL INFORMATION INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED.

Evans, Derek

From: CommunityLeadershipAlliance [admin@communityleadershipalliance.net]
Sent: Thursday, May 01, 2014 3:08 AM
To: Evans, Derek
Cc: Goossen, Carolyn (BOS)
Subject: Re: 222 Hyde Street's PCN Hearing

Dear Mr.Derek Evans,

We want to inform you that as of Thursday, May 8, Mr. Livingston, owner of 222 Hyde Street, will have satisfied the extensive community outreach required for the re-scheduling of a PCN hearing. The applicant has also abandoned any future application to ABC for a license type enhancement for the 222 Hyde business address.

Please notify us of a re-scheduled PCN hearing, as you recall this was previously continued to the call of the Chair.

Thank you so very much
David J. Villa-Lobos
415-921-4192

Evans, Derek

From: CommunityLeadershipAlliance [admin@communityleadershipalliance.net]
Sent: Wednesday, April 09, 2014 8:57 PM
To: Cherniss, Jason (POL); Angulo, Sunny (BOS); Kim, Jane (BOS)
Cc: POLICE; Goossen, Carolyn (BOS); Evans, Derek
Subject: Re: 222 Hyde Street - Larry Livingston - dba: The Basement

Re: 222 Hyde Street - Larry Livingston - dba: The Basement
[Application Filed w/California Alcoholic Beverage Control for Type 42 Liquor License]

Dear & Honorable Office's of Supervisor Jane Kim, and SFPD Captain Jason Cherniss,

Our company (CLA Consulting) has been asked by Mr. Larry Livingston, owner of 222 Hyde Street, dba The Basement, to perform thorough community outreach regarding his type 42 liquor license application. Mr. Livingston plans to meet all mandated requirements for the re-calendaring of a PCN hearing at the Board of Supervisors Neighborhood Services and Safety Committee. It's important to note that Mr.Livingston has decided not to apply in the future for a type 48 or 47 full liquor license.

Our company has put together a list of Tenderloin groups to notify of Mr.Livingston's proposed use of the 222 Hyde Street commercial space. If your respective office has a group or groups that you would like us to perform community outreach regarding the subject titled liquor license application, please advise.

David J.Villa-Lobos, Licensed Liquor Licensing Specialist/Consultant
www.communityleadershipalliance.net
415-921-4192

Evans, Derek

From: Larry Livingston [larryl@gmail.com]
Sent: Thursday, February 06, 2014 8:35 AM
To: Duarte, Alberto; Evans, Derek
Subject: Re: 222 Hyde Business Plan

I'm shocked since I thought we had agreement that you will accept ABC's counter proposal that states Thursday to Saturday open until 2AM. I thought we had verbal agreement.

Another thing is that why would you set times from Sunday to Wednesday 11am to 12am and Thursday to Saturday 11am to 12am? instead of Sunday to Saturday 11am to 12am?

- Larry Livingston
(415) 307 - 3255

On Thu, Feb 6, 2014 at 7:53 AM, <Alberto.A.Duarte@sfgov.org> wrote:
Not a typo, this are the conditions that Tenderloin stations wanted attached to the license use for six months.

Officer Alberto Duarte #1433
San Francisco Police Department
ABC Liaison Unit (ALU)
(415) 553-1049 Office
(415) 850-9728 Mobile

-----Larry Livingston <larryl@gmail.com> wrote: -----

To: Alberto.a.duarte@sfgov.org
From: Larry Livingston <larryl@gmail.com>
Date: 02/06/2014 07:42AM
Subject: Re: 222 Hyde Business Plan

Hi Officer Duarte,
I have noticed your condition 1 has a typo. Thursday through Saturday should be 11am until 2am not 11am to 12am.
Thanks.

- Larry Livingston
(415) 307 - 3255

On Wed, Nov 20, 2013 at 4:26 PM, Larry Livingston <larryl@gmail.com> wrote:
Hi Officer Duarte,
Here is ABC form 257 you have requested for "The Basement" at 222 Hyde Street.

Thank you.

- Larry Livingston
(415) 307 - 3255

On Mon, Nov 18, 2013 at 8:30 PM, Larry Livingston <larryl@gmail.com> wrote:

Hi Officer Duarte,

I've attached the business plan for "The Basement" at 222 Hyde Street.

I know you have requested ABC Form 257, unfortunately I forgot to make a copy when I submitted to ABC.

Risel (ABC Licensing Rep) told me that I can get my form back from ABC and make the copy so I'll get that for you tomorrow.

Let me know if you need anything else.

Thank you.

- Larry Livingston
(415) 307 - 3255

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2013 NOV 12 PM 3:43

LIQUOR LICENSE "PCN" REQUEST 06

Applicant Name: Larry Livingston

Business Name and Address: "The Basement" 222 Hyde Street, San Francisco, CA. 94102

Mailing Address: 725 Monterey Blvd Apt 11, San Francisco, CA. 94127

Type of License: Beer & Wine License type 42 (Original)

Business Hours of Operation: Tuesday through Saturday 6PM to 2AM

222 Hyde has a rich history and was in business since 1940's and a night club called 222 Hyde recently closed on March of this year.

The corner of Turk & Hyde used to house the world famous Black Hawk Jazz club in the 1940's to 1960's. Greats like Miles Davis, John Coltrane enjoyed drinks at "The Three Deuces" (222 Hyde Street) for VIP treatment. Some says those greats weren't allowed to hang around for drinks at main lounge of Black Hawk Jazz Club because of their color of skins. In my opinion not continuing tradition at this location is such a loss not only to the neighborhood but also to city of San Francisco. I believe providing great music and drinks at this location will continue that tradition.

I have reach out to folks at "Faithful Fools Street Ministry" (234 Hyde Street) when I signed the lease at 222 Hyde Street. Sister Carmen Barsody and Sam Dennison was very kind and they see no problem with the business as long as it won't open too late (like after 2am) and I agreed. I also reached out to Alex Darr (Outreach Minister at Faithful Fools) and he welcomes me to the neighborhood. I have nice talk with them and I have every intention to work with them to make the neighborhood better. I have let them know that they are welcome to host a donation drive party at 222 Hyde when the business is closed like Sunday and Mondays.

Currently 200 block of Hyde Street is run by drug dealers like most of Tenderloin streets. I will have security cameras in front of building and hire a security guard to fend off those drug dealers.

Obviously, I can't have a bar/lounge business without the beer&wine license so it is critical that I get the City's approval. If I get the license to operate the business I will need to hire many employees. The net employment gain will be good for the neighborhood and the city. Once operational all of the employees and the business will pay tax and contribute to the local economy.

I truly believe that the business will provide positive and cultural environment for the neighborhood and the city.

Thank you.

Larry Livingston



INFORMATION AND INSTRUCTIONS -

SECTION 23958.4 B&P

- Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.
- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
 - Part 2 is to be completed by the applicant, and returned to ABC.
 - Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT'S NAME

Larry Montey Livingston

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

222 Hyde St., San Francisco, CA 94102-3324

3. LICENSE TYPE

42

4. TYPE OF BUSINESS

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

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

5. COUNTY POPULATION

812,820

6. TOTAL NUMBER OF LICENSES IN COUNTY

284

On-Sale Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY

On-Sale Off-Sale

8. CENSUS TRACT NUMBER

124.01

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

17

On-Sale Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

14

On-Sale Off-Sale

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)

- Yes, the number of existing licenses exceeds the number allowed
- No, the number of existing licenses is lower than the number allowed

1X PUB

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

- Yes (Go to Item #13) No (Go to Item #20)

13. CRIME REPORTING DISTRICT NUMBER

548

14. TOTAL NUMBER OF REPORTING DISTRICTS

653

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

46,883

16. AVERAGE NO. OF OFFENSES PER DISTRICT

72

17. 120% OF AVERAGE NUMBER OF OFFENSES

86

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

262

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)

- Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17
- No, the total number of offenses in the reporting district is lower than the total number in item #17

20. CHECK THE BOX THAT APPLIES (check only one box)

- a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.
- b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.
- c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name: Board of Supervisors

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

willie bulanadi

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)

ABC 211 (6/99)

LARRY LIVINGSTON

(415) 307-3255

TO: Department of Alcoholic Beverage Control
33 NEW MONTGOMERY STREET
SUITE 1230
SAN FRANCISCO, CA 94105
(415) 356-6500

File Number: 539259
Receipt Number: 2201868
Geographical Code: 3800
Copies Mailed Date: November 6, 2013
Issued Date:

DISTRICT SERVING LOCATION: SAN FRANCISCO
First Owner: LIVINGSTON, LARRY MONTEY
Name of Business: BASEMENT THE
Location of Business: 222 HYDE ST
SAN FRANCISCO, CA 94102-3324
County: SAN FRANCISCO
Is Premise inside city limits? Yes
Mailing Address: 725 MONTEREY BLVD
(APT 11)
SAN FRANCISCO, CA 94127

Census Tract 0124.01

Type of license(s): 42

Transferor's license/name: Dropping Partner: Yes No

Table with 7 columns: License Type, Transaction Type, Fee Type, Master, Dup, Date, Fee. Rows include On-Sale Beer And Wine fees, State Fingerprints, and Federal Fingerprints.

Have you ever been convicted of a felony? No
Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? No
Explain any "Yes" answer to the above questions on an attachment which shall be deemed part of this application.

Applicant agrees (a) that any manager employed in an on-sale licensed premises will have all the qualifications of a licensee, and (b) that he will not violate or cause or permit to be violated any of the provisions of the Alcoholic Beverage Control Act.

STATE OF CALIFORNIA County of SAN FRANCISCO Date: November 6, 2013

Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He is an applicant, or one of the applicants, or an executive officer of the applicant corporation, named in the foregoing application, duly authorized to make this application on its behalf; (2) that he has read the foregoing and knows the contents thereof and that each of the above statements therein made are true; (3) that no person other than the applicant or applicants has any direct or indirect interest in the applicant or applicant's business to be conducted under the license(s) for which this application is made; (4) that the transfer application or proposed transfer is not made to satisfy the payment of a loan or to fulfill an agreement entered into more than ninety (90) days preceding the day on which the transfer application is filed with the Department or to gain or establish a preference to or for any creditor or transferor or to defraud or injure any creditor of transferor; (5) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

Effective July 1, 2012, Revenue and Taxation Code Section 7057, authorizes the State Board of Equalization and the Franchise Tax Board to share taxpayer information with Department of Alcoholic Beverage Control. The Department may suspend, revoke, and refuse to issue a license if the licensee's name appears in the 500 largest tax delinquencies list. (Business and Professions Code Section 494.5.)

Applicant Name(s)

Applicant Signature(s)

See 211 Signature Page

LIVINGSTON, LARRY MONTEY

LIQUOR LICENSE REVIEW

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

File: 131106

TO: Police Department
Inspector Nelly Gordon
Inspector Darcy Keller
Fax No.: 553-1463

DATE: November 12, 2013

This item is tentatively scheduled to be heard in four to six weeks.

PLEASE EMAIL YOUR RESPONSE BY: December 20, 2013, to Derek Evans,
Clerk, Neighborhood Services and Safety Committee.

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

Applicant Name: Larry Livingston
and Business Name: The Basement
(222 Hyde Street)

Applicant Address: 725 Monterey Blvd, Apt 11
San Francisco, CA 94127
and Phone No. (415) 307-3255

PLANNING COMMENTS: Approval Denial

POLICE COMMENTS: Approval Denial