

File No. 160344 Committee Item No. 6
 Board Item No. 20

COMMITTEE/BOARD OF SUPERVISORS
 AGENDA PACKET CONTENTS LIST

Committee: Public Safety and Neighborhood Services Date October 13, 2016

Board of Supervisors Meeting Date October 25, 2016
 Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>LL Referral - 04/08/2016</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Response Planning - 08/09/2016</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Response Police Dept - 10/05/2016</u> |
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Completed by: Erica Major Date October 7, 2016
 Completed by: EM Date 10/19/2016

1 [Liquor License Transfer - 3499 Mission Street]

2

3 **Resolution determining that the transfer of a Type 21 off-sale general license to**
4 **Billy Goat Liquor, LLC dba Billy Goat Liquor, LLC, located at 3499 Mission Street**
5 **(District 9), will serve the public convenience or necessity of the City and County**
6 **of San Francisco, in accordance with California Business and Professions Code,**
7 **Section 23958.4, and recommending that the California Department of Alcoholic**
8 **Beverage Control impose conditions on the issuance of the license.**

9

10 WHEREAS, Billy Goat Liquor, LLC is seeking the issuance of a Type 21 off-sale
11 general license dba Billy Goat Liquor, LLC located at 3499 Mission Street (District 9);
12 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 zero (0) protests with the
16 Department of Alcoholic Beverage Control under California Business and Professions
17 Code, Section 24013, and recommends that the Department of Alcoholic Beverage
18 Control issue the liquor license with conditions; and

19 WHEREAS, The conditions recommended by the Police Department are the
20 following: 1) There shall be no cups, glasses, or similar receptacles commonly used for
21 drinking of beverages, sold, furnished, or given away at the petitioner(s) premises in
22 quantities of less than twenty-four (24) in their original multi-container package; 2) the
23 sale of beer or malt beverage(s) with an alcoholic content greater than 5.7% by volume
24 is prohibited; 3) the sale of distilled spirits in sizes smaller than 200ml is strictly
25 prohibited; 4) the sales of beer or malt beverages in quantities of quantities of 16 oz., 32

1 oz., 40 oz., size containers is prohibited; 5) wine coolers shall only be sold in
2 manufacturer pre-packaged multi-unit quantities of four (4) or more; 6) no wine shall be
3 sold with an alcohol content of greater than 15% by volume except for "Dinner Wines"
4 which have been aged two years or more and maintained in corked bottles; 7) loitering
5 (defined as "to stand idly about; linger aimlessly without lawful business"); 8) the
6 petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the
7 premises over which they have control; 9) sales, and service of alcoholic beverages
8 shall be permitted between the hours of 7:00 a.m. and 12:00 a.m. daily; and 10) graffiti
9 shall be removed from the premises and all parking lots under the control of the
10 licensee within 72 hours of application (If the graffiti occurs on a Friday or weekend day,
11 or on a holiday, the licensee shall remove the graffiti within 72 hours following the
12 beginning of the next weekday); now, therefore, be it

13 RESOLVED, That in accordance with California Business and Professions Code,
14 Section 23958.4, the Board of Supervisors of the City and County of San Francisco
15 hereby determines for the foregoing reasons that the transfer of a Type 21 off-sale
16 general license to Billy Goat Liquor, LLC dba Billy Goat Liquor, LLC located at 3499
17 Mission Street (District 9), will serve the public convenience or necessity of the City and
18 County of San Francisco; and, be it

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

23
24
25

Received via email

10/07/2016

File No. 160344




San Francisco Police Department
ABC Liaison Unit



Alcoholic Beverage License -
*Public Convenience and
Necessity Recommendation*

To: The San Francisco Board of Supervisors' Committee on Public Safety
and Neighborhood Services

Supervisor Jane Kim
Supervisor John Avalos
Supervisor David Campos

From: Lieutenant Dave Falzon 
Officer in Charge
ABC Liaison Unit (ALU) 415-837-7287

Date: October 5, 2016

Subject: P.C.N. Investigation Regarding: 3499 Mission St
DBA: Billy Goat Liquor
3499 Mission St
(650) 284-6321

Jonh Gavin on behalf of Billy Goat Liquor LLC, has filed an application with the California Department of Alcoholic Beverage Control seeking a Type 21 (Off Sale- Package Store) License for 3499 Mission st (Located between Cortland and Kingston Streets).

Hours of Operation:

Daily

7 a.m to 12:00 midnight

Digest:

Billy Goat Liquor would like to operate a grocery store that also provides liquor. If approved, this license will allow them to sell off sale beer, wine, and spirits.

Letters of Protest:

0

Letters of Support:

0

Police Calls for Service:

From February 2015 to February 2016

1 Call for service

Police Reports:

From February 2015 to February 2016: 0

San Francisco Plot Information:

This premise is located in Plot **867**

A High Crime area is defined as **99** or more police incidents in a plot for the year of **2015**.

This plot had **39** police incidents for **2015**, which is **60** under the Citywide "High Crime" average.

State Census Tract Information:

This premise is located in Census Tract **253.00**

Population for this tract is: 4,362.

On-sale license authorized by census tract: **15**

Active on-sale licenses: 48

Off-sale licenses authorized by census tract: **4**

Active off-sale licenses: 7

Departmental Recommendation:

Points of consideration: 2-Jesus Christor Si Senior Church, Nottemes El Senor Contigo Church`

Ingleside station approves

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

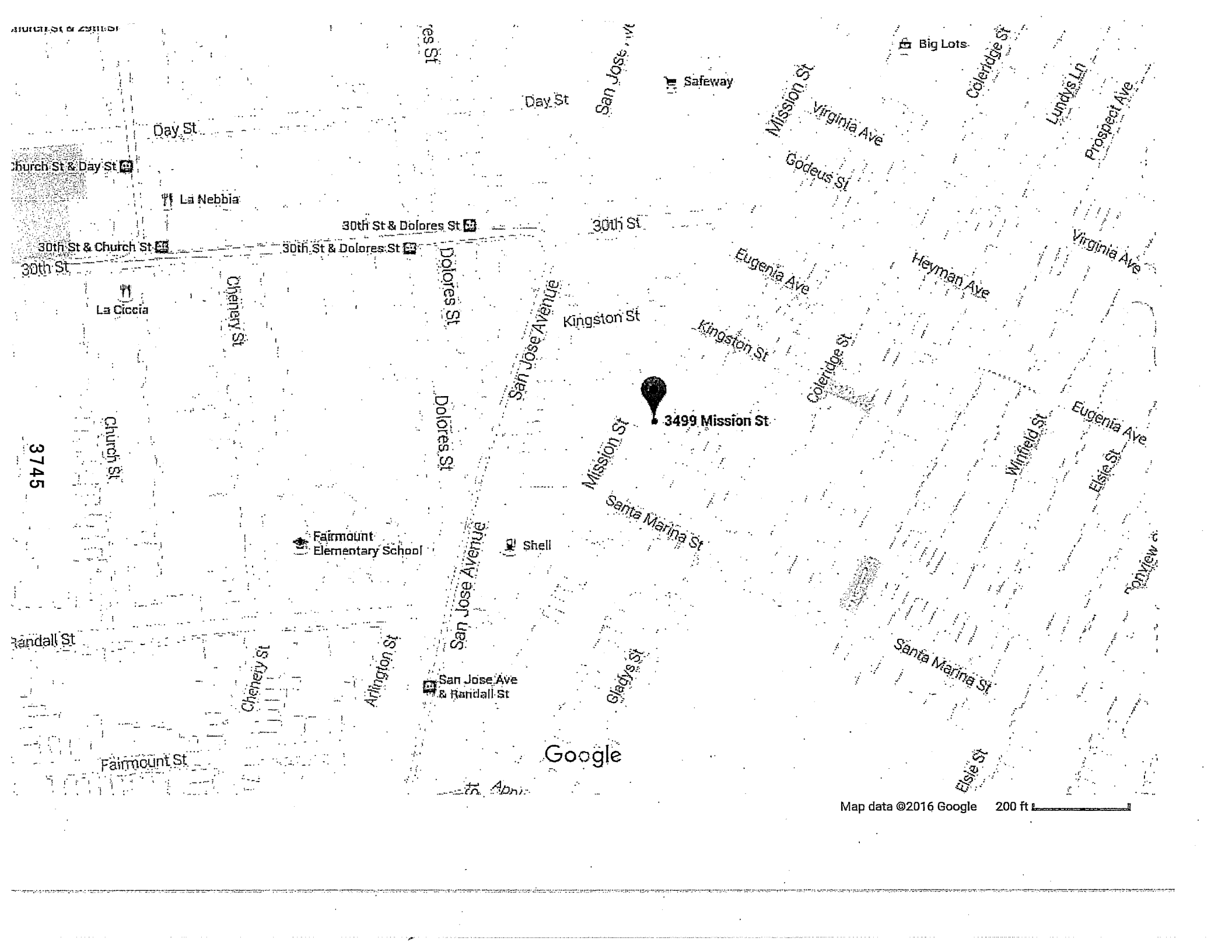
Applicant premise is located in an "undue concentration" area.

0 - Record of protest.

0 - Record of support.

ALU Recommendation: Approval with the following conditions:

1. There shall be no cups, glasses, or similar receptacles commonly used for the drinking of beverages, sold, furnished, or given away at the petitioner(s) premises in quantities of less than twenty-four (24) in their original multi-container package
2. The sale of beer or malt beverage(s) with an alcoholic content greater than 5.7% by volume is prohibited.
3. The sale of distilled spirits in sizes smaller than 200ml is strictly prohibited.
4. The sales of beer or malt beverages in quantities of quantities of 16oz, 32 oz., 40 oz., size containers is prohibited
5. Wine coolers shall only be sold in manufacturer pre-packaged multi-unit quantities of four (4) or more
6. No wine shall be sold with an alcohol content of greater than 15% by volume except for "Dinner Wines" which have been aged two years or more and maintained in corked bottles
7. Loitering (loitering is defined as "to stand idly about; linger aimlessly without lawful business") is prohibited on any sidewalks or property adjacent to the licensed premises under the control of the licensee as depicted on the ABC 257 dated 3-18-16.
8. The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
9. Sales, and service of alcoholic beverages shall be permitted between the hours of 7:00 a.m. and 12:00 a.m. daily
10. Graffiti shall be removed from the premises and all parking lots under the control of the licensee within 72 hours of application. If the graffiti occurs on a Friday or weekend day, or on a holiday, the licensee shall remove the graffiti within 72 hours following the beginning of the next weekday



3499 Mission St

Google

Map data ©2016 Google 200 ft

3745

Church St & Day St

Day St

La Nebbia

30th St & Dolores St

30th St

30th St & Church St

30th St

La Ciccia

Chenery St

Church St

San Jose Avenue

Dolores St

Kingston St

Kingston St

Mission St

3499 Mission St

Santa Marina St

Shell

Fairmount Elementary School

San Jose Ave & Randall St

San Jose Avenue

Gladys St

Santa Marina St

Coleridge St

Coleridge St

Heyman Ave

Winfield St

Eugenia Ave

Elsie St

Prospect Ave

Virginia Ave

Virginia Ave

Big Lots

Safeway

Mission St

Virginia Ave

Godeus St

Coleridge St

Lundys Ln

Prospect Ave

Virginia Ave

Winfield St

Eugenia Ave

Elsie St

Tonyview St

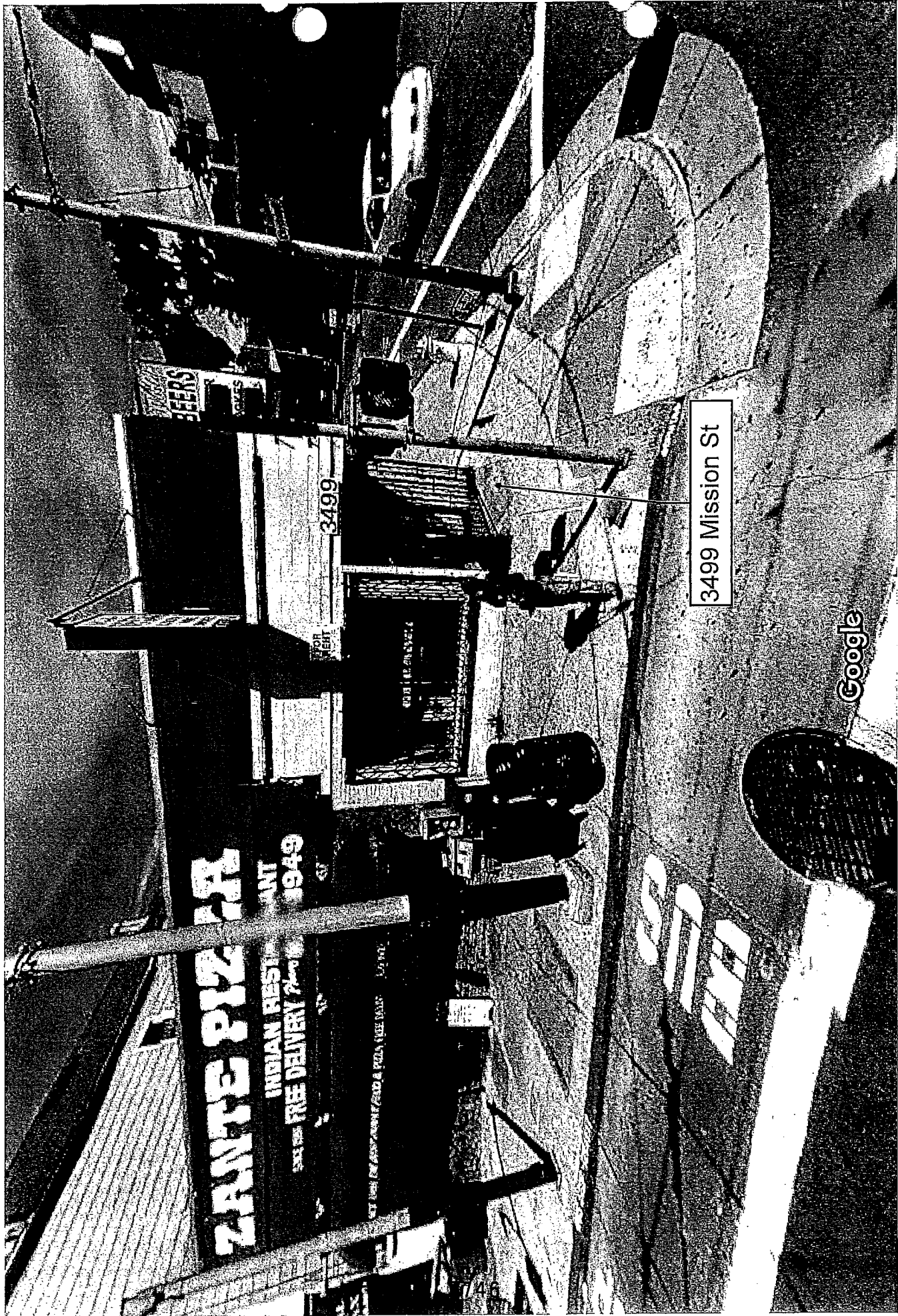
Chenery St

Arlington St

Randall St

Fairmount St

St Adm



Google

PLANNING DEPARTMENT USE ONLY

BK / LOT: 5673 / 078	ZONING: NC-3	RUD / SUD: MISSION ST RESTAURANT SUD; MAR; W/ 1/4 MI EFFS; PFS RUD.	LCU / NCU: NONE.
ZONING REFERRAL NUMBER:	OFFICIAL SITE ADDRESS (if different):	312 NOTICE COMPLETE: <input type="checkbox"/> Yes <input type="checkbox"/> No	PRELIMINARY SCREENING? <input type="checkbox"/> Yes <input type="checkbox"/> No
BPA NUMBER:	MOTION NO.:	EFFECTIVE DATE:	CONDITIONS: <input type="checkbox"/> Yes <input type="checkbox"/> No
CASE NO.:	OTHER:	ADDITIONAL DOCUMENTS REQUIRED: <input type="checkbox"/> SITE PLAN <input type="checkbox"/> MESSAGE DOCS <input type="checkbox"/> OTHER:	

RECOMMENDATION: <input checked="" type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL	Per Planning Code Section: 712.45, 790.55, 791.8, 249.60, 180, 181, 183
CONDITIONS OF APPROVAL:	COMMENTS: PER 712.45, RECOMMEND APPROVAL FOR THE CONTINUATION OF A LIQUOR (DRAB BILLY GOAT LIQUOR LLC) WITH IN THE NC-3 ZONING DISTRICT. THROUGH WITH IN THE MAR SUD; PER 781.8 & 249.60 BILLY GOAT LIQUOR IS ALLOWED TO CONTINUE AS AN ON-LINE FORMING USE PURSUANT TO 180, 181 & 183. IT IS AN EXISTING LIQUOR ESTABLISHMENT.
AUTHORIZATION:	signature: _____ Date: <u>AUGUST 9, 2016</u>
Printed Name: <u>EMERALDA JARDINES</u>	Phone: <u>(415) 575-9119</u>

Restaurant ^{790.91}: A retail eating and/or drinking use which serves prepared, ready-to-eat cooked foods to customers for consumption on or off the premises and which has seating. It may have a Take-Out Food^{790.122} as a minor and incidental use. It may provide on-site alcohol sales for drinking on the premises (ABC Types 41, 47, 49, 59, or 75); however, if it does it is required to operate as a Bona Fide Eating Place^{790.142}. It is not required to operate within an enclosed building per Section 703.2(b)(1) so long as it is also a Mobile Food Facility^{102.34}. Any outdoor seating and/or dining area is subject to regulation as an Outdoor Activity Area.

Limited Restaurant ^{790.90}: A retail eating and/or drinking use which serves ready-to-eat foods and/or drinks to customers for consumption on or off the premises, that may or may not have seating. It may provide off-site beer and/or wine sales for consumption off the premises with an ABC Type 20 license within the accessory use limits of Section 703.2(b)(1)(C)(vi).

Bar ^{790.22}: A retail use which provides on-site alcoholic beverage sales for drinking on the premises. ABC License Types include: 42, 48, or 61 (no minors permitted on premises) and 42 or 60 (minors permitted on premises).

General Grocery ^{790.102(a)}: A retail food establishment that offers a diverse variety of unrelated, non-complementary food and non-food commodities. May provide beer, wine, and/or liquor sales for consumption off the premises with ABC Type 20 or 21 within the accessory use limits of Section 703.2(b)(1)(C)(vi). May prepare minor amounts or no food on-site for immediate consumption

Specialty Grocery ^{790.102(b)}: A retail food establishment that offers specialty food products, such as baked goods, pasta, cheese, confections, coffee, meat, seafood, produce, artisanal goods and other specialty food products, and may also offer additional complementary food and non-food commodities. May provide beer, wine, and/or liquor sales for consumption off the premises with ABC Type 20 or 21 within the accessory use limits of Section 703.2(b)(1)(C)(vi). May prepare minor amounts or no food on-site for immediate consumption.

Other may include: Massage Establishment ^{790.60}, Tobacco Paraphernalia Establishment ^{790.123}, Medical Cannabis Dispensary ^{790.141}, Service, Personal ^{790.116}, Take-out Food ^{790.122}

For more information regarding types of establishments, zoning, and Planning Code questions, you may go on-line to www.splanning.org or contact the Planning Information Center (PIC) for more information:

Planning Information Center (PIC)
 1660 Mission Street, First Floor
 San Francisco CA 94103-2479 3747
 TEL: 415.558.6377

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2015 APR -7 PM 12:07

BY _____

Applicant Name: Patrick Gavin
Phone Number: (650) 630-6668
E-mail address: johnngavin84@gmail.com

Business Name: Billy Goat Liquor LLC
And Address: 3499 Mission St,
San Francisco, CA 94110

License Type: Type21 Off Sale General
Double Transfer, person to person and premises to premises
Moving from 450-460 Powell St, San Francisco, CA 94102

Business Hours: Sunday: 6am-2am
Monday: 6am-2am
Tuesday: 6am-2am
Wednesday: 6am-2am
Thursday: 6am-2am
Friday: 6am-2am
Saturday: 6am-2am

To Whom it may concern,

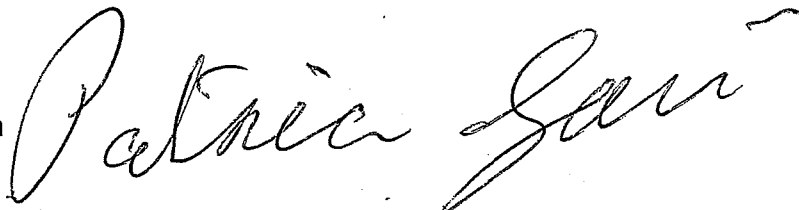
My name is Patrick Gavin and I am the owner of Billy Goat Liquor, LLC. We have applied to the California Department of Alcoholic Beverage Control (ABC) for the Type21 Off Sale General License. This type of license authorizes the sale of spirits, beer and wine to those at least twenty one years of age for consumption off the premises. It is our intention to open a convenience and Liquor store at 3499 Mission St, on the corner of Mission St and Cortland Ave. This corner has served the community for over 30 years and we wish to reopen the business that follows in the tradition of the property.

Each morning this corner bursts to life with the people of the community on their way to work. There are several bus stops directly outside the store. We would like to open early and meet their needs for a morning coffee, water and healthy snack on the way to work. Throughout the afternoon we will be providing healthy snack or lunch options for people of the area. We will also be able to provide basic groceries such as milk, cheese, yogurts etc. In the evenings we will cater to our our customers with needs for an evening beverage.

We intend to cater to the needs of the community, getting their feedback as to what else products they would like to see. There are a number of other family owned businesses in the neighborhood and the local population seem eager to support the local businesses as opposed to the retail giants. We look forward to growing with the community.

Sincerely,

Patrick Gavin



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: Billy Goat Liquor LLC

2. PREMISES ADDRESS (Street number and name, city, zip code): 3499 Mission St., San Francisco, CA 94110

3. LICENSE TYPE: 21

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 checked="" 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 checked="" type="checkbox"/> Liquor Store | <input type="checkbox"/> Department Store | <input type="checkbox"/> Convenience Market | <input type="checkbox"/> Drive-in Dairy |
| <input checked="" 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: 845,602

6. TOTAL NUMBER OF LICENSES IN COUNTY
 On-Sale Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY
1060 On-Sale Off-Sale

8. CENSUS TRACT NUMBER: 0253.00

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT
4 On-Sale Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT
7 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

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?
 Yes (Go to Item #13) No (Go to Item #20)

13. CRIME REPORTING DISTRICT NUMBER: 867

14. TOTAL NUMBER OF REPORTING DISTRICTS: 653

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS: 53,160

16. AVERAGE NO. OF OFFENSES PER DISTRICT: 81

17. 120% OF AVERAGE NUMBER OF OFFENSES: 97

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT: 78

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.

(BACK)
Board of Supervisors

Governing Body/Designated Subordinate Name:

FOR DEPARTMENT USE ONLY
PREPARED BY (Name of Department Employee)

BS ad 3749

PART 2 - TO BE COMPLETED BY THE APPLICANT (If box #20b is checked)

21. Based on the information on the reverse, the Department may approve your application if you can show that public convenience or necessity would be served by the issuance of the license. Please describe below the reasons why issuance of another license is justified in

~~at the corner of Mission and Cortland~~

It is our intention to open a convenience store at 3349 Mission St, San Francisco. This premises is at the corner of Mission St and Cortland Ave. This corner has served the community for over 30 years. We wish to restore the service by reopening a business that follows in a traditional use of the property.
 ~~at the corner~~ ^{at the} corner ~~is~~ ^{is} ~~to~~ ^{to} ~~live~~ ^{live} with the people of the community on their

22. APPLICANT SIGNATURE

23. DATE SIGNED

3/11/2012

PART 3 - TO BE COMPLETED BY LOCAL OFFICIALS (If box #20c is checked)

The applicant named on the reverse is applying for a license to sell alcoholic beverages at a premises where undue concentration exists (i.e., an over-concentration of licenses and/or a higher than average crime rate as defined in Section 23958.4 of the Business and Professions Code). Sections 23958 and 23958.4 of the Business and Professions Code requires the Department to deny the application unless the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. Please complete items #24 to #30 below and certify or affix an official seal, or attach a copy of the Council or Board resolution or a signed letter on official letterhead stating whether or not the issuance of the applied for license would serve as a public convenience or necessity.

24. WILL PUBLIC CONVENIENCE OR NECESSITY BE SERVED BY ISSUANCE OF THIS ALCOHOLIC BEVERAGE LICENSE?

Yes

No

See Attached (i.e., letter, resolution, etc.)

25. ADDITIONAL COMMENTS, IF DESIRED (may include reasons for approval or denial of public convenience or necessity):

26. CITY/COUNTY OFFICIAL NAME

27. CITY/COUNTY OFFICIAL TITLE

28. CITY/COUNTY OFFICIAL PHONE NUMBER

29. CITY/COUNTY OFFICIAL SIGNATURE

30. DATE SIGNED

3750

LIQUOR LICENSE REVIEW

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

File: 160022

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

DATE: April 8, 2016

This item is tentatively scheduled to be heard in four to six weeks.
PLEASE EMAIL YOUR RESPONSE BY: May 11, 2016, to Erica Major, Public
Safety and Neighborhood Services Committee Clerk.

Erica.Major@sfgov.org - Fax No: 554-7771

Applicant Name: Patrick Gavin
Billy Goat Liquor, LLC
and Business Name: (3499 Mission Street)
Applicant Address: 3499 Mission Street
San Francisco, CA 94110
and Phone No. (650) 630-6668

PLANNING COMMENTS: Approval Denial

POLICE COMMENTS: Approval Denial

