

File No. 160301

Committee Item No. 4

Board Item No. 20

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight

Date October 20, 2016

Board of Supervisors Meeting

Date NOVEMBER 1, 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"/> | Memorandum of Understanding (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"/> | Form 700 |
| <input type="checkbox"/> | <input type="checkbox"/> | Vacancy Notice |
| <input type="checkbox"/> | <input type="checkbox"/> | Information Sheet |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Police Department Recommendation</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Planning Department Determination</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Completed by: Alisa Somera

Date October 14, 2016

Completed by: [Signature] 2167

Date 10/14/16

1 [Liquor License Transfer - 447 Bush Street]

2
3 **Resolution determining that the transfer of a Type 48 on-sale general public**
4 **premises license to 451 Bush Street, Inc., dba FLUXUS from 1 Embarcadero**
5 **Center to 447 Bush Street (District 3), will serve the public convenience or**
6 **necessity of the City and County of San Francisco in accordance with California**
7 **Business and Professions Code, Section 23958.4, and recommending that the**
8 **California Department of Alcoholic Beverage Control impose conditions on the**
9 **issuance of the license.**

10
11 WHEREAS, 451 Bush Street, Inc., dba FLUXUS is seeking the transfer of a Type
12 48 on-sale general public premises license from 1 Embarcadero Center to 447 Bush
13 Street (District 3); and

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

16 WHEREAS, The Police Department has filed zero (0) protests with the
17 Department of Alcoholic Beverage Control under California Business and Professions
18 Code, Section 24013, and recommends that the Department of Alcoholic Beverage
19 Control issue the liquor license with conditions; and

20 WHEREAS, The conditions recommended by the Police Department are the
21 following: 1) the sale of alcoholic beverages for consumption off the premises is strictly
22 prohibited; 2) the petitioner(s) shall be responsible for maintaining free of litter the area
23 adjacent to the premises over which they have control, as depicted on the ABC-257,
24 dated 04/14/2016; 3) no noise shall be audible beyond the area under the control of the
25 petitioner(s) as defined on the ABC-257, dated 04/14/2016; and 4) loitering (is defined

1 as "to stand idly about; linger aimlessly without lawful business") is prohibited on any
2 sidewalks or property adjacent to the licensed premises under the control of the
3 licensee; now, therefore, be it

4 RESOLVED, That in accordance with California Business and Professions Code,
5 Section 23958.4, the Board of Supervisors of the City and County of San Francisco
6 hereby determines that the transfer of a Type 48 on-sale general public premises to 451
7 Bush Street, Inc., dba FLUXUS from 1 Embarcadero Center to 447 Bush Street (District
8 3), will serve the public convenience or necessity of the City and County of San
9 Francisco; and, be it

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

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San Francisco Police Department
ABC Liaison Unit



Alcoholic Beverage License -
*Public Convenience and
Necessity Recommendation*

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

Supervisor Jane Kim
Supervisor John Avalos
Supervisor David Campos

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

Date: May 13, 2016

Subject: P.C.N. Investigation Regarding: 451 Bush St, Inc
DBA: TBD
447 Bush St
(415) 235-3921

Carrie Peters on behalf of 451 Bush Street, Inc, has filed an application with the California Department of Alcoholic Beverage Control seeking a --Type 48 (On Sale General- Public Premise Bar, night club) License for 447 Bush St (located between Grant and Kearny Streets).

Hours of Operation:

Daily

6:00 a.m. to 2:00 a.m.

Digest:

451 Bush St Inc would like to add a cocktail lounge to their hotel located at 447 Bush St. If approved, this license will allow them to sell on sale beer, wine, and distilled spirits.

Letters of Protest:

0

Letters of Support:

0

Police Calls for Service:

From March 2015 to March 2016

39 Calls for service

Police Reports:

From February 2015 to February 2016: 0

San Francisco Plot Information:

This premise is located in Plot **160**

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

This plot had **295** police incidents for **2015**, which is **196** over the Citywide "High Crime" average.

State Census Tract Information:

This premise is located in Census Tract **117.00**

Population for this tract is: **1,783**

On-sale license authorized by census tract: **6**

Active on-sale licenses: **139**

Off-sale licenses authorized by census tract: **1**

Active off-sale licenses: **44**

Departmental Recommendation:

Points of consideration: 2 Schools, 3 Medical facilities

Central Station has no opposition

Applicant premise is located in a **“high crime”** area.

Applicant premise is located in an **“undue concentration”** area.

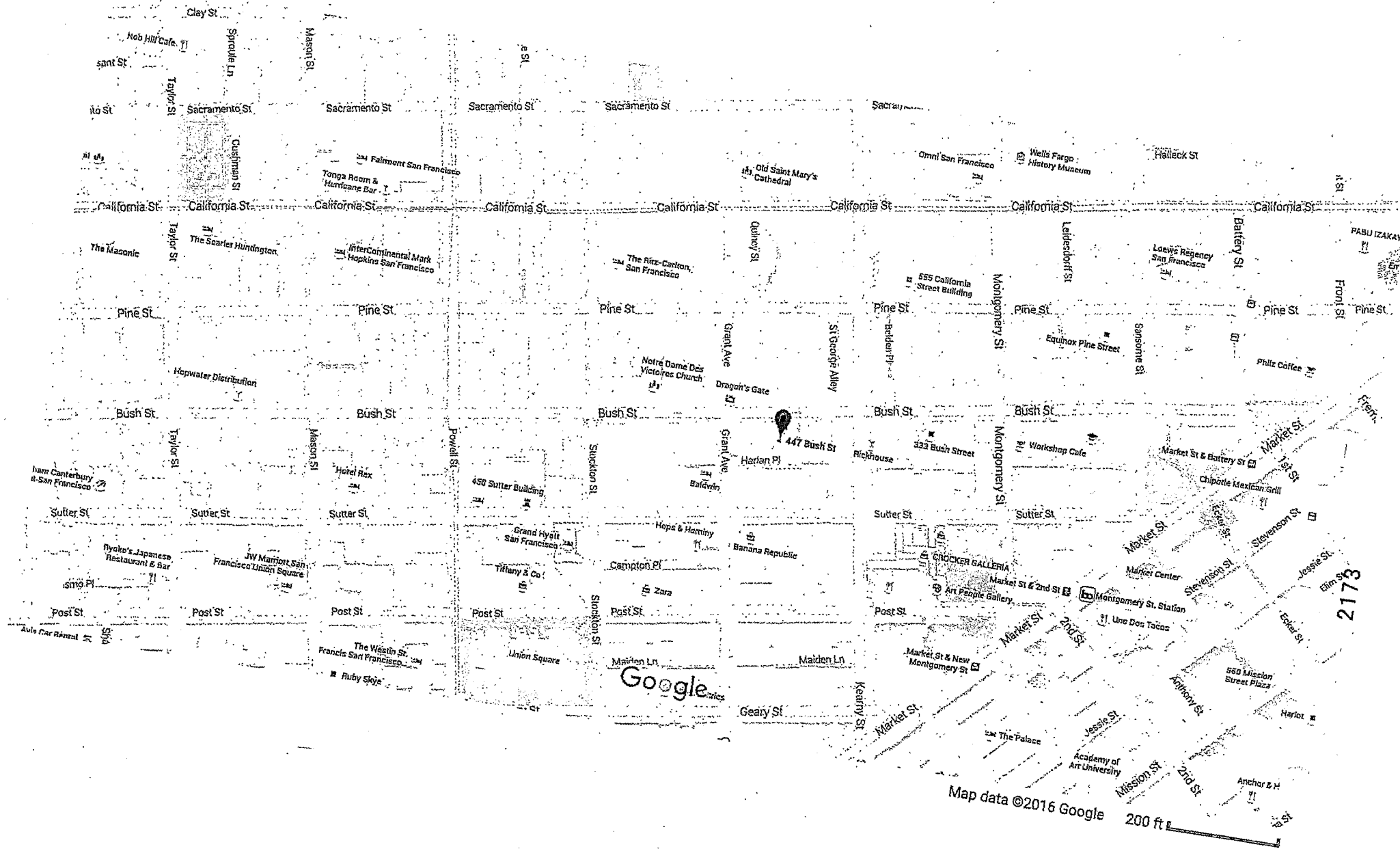
0 - Record of protest.

0 - Record of support.

ALU Recommendation: Approval with the following conditions:

1. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.
2. The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, as depicted on the ABC-257, dated 04-14-2016.
3. No noise shall be audible beyond the area under the control of the petitioner(s) as defined on the ABC-257, dated 04-14-2016.
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

END



Google

Map data ©2016 Google 200 ft

2173

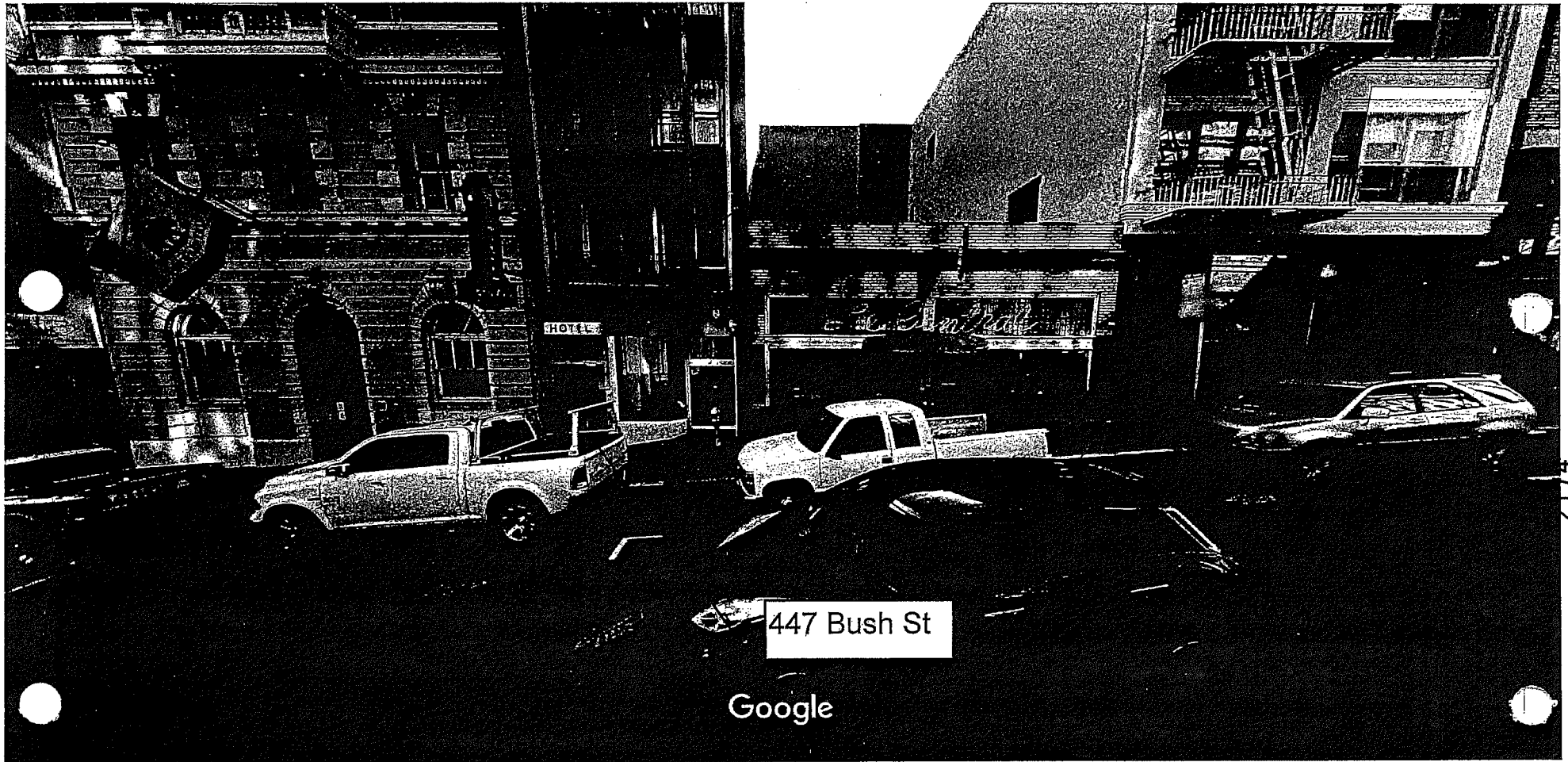


Image capture: Dec 2015 © 2016 Google

San Francisco, California

Street View - Dec 2015

SPROT



LIQUOR LICENSE REVIEW

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

File: 160301

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

Block/lot: 0287/020
Zoning: C-3-R
Quad: NE

DATE: March 28, 2016

Record # 2016-004022 MG

This item is tentatively scheduled to be heard in four to six weeks.
PLEASE EMAIL YOUR RESPONSE BY: May 4, 2016, to Erica Major, Public Safety and Neighborhood Services Committee Clerk.

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

Applicant Name: 451 Bush Street, Inc.
and SFFSRE, LLC
and Business Name: Fluxus
(447 Bush Street)
Applicant Address: 447 Bush Street
San Francisco, CA 94108
and Phone No. (415) 235-3921

PLANNING COMMENTS: Approval Denial

Place of Entertainment permit is permitted in C-3-R Zoning District as an entertainment, arts and recreation use per PC sections 210.2 and 102.

POLICE COMMENTS: Approval Denial

S. [Signature] - 5/9/16

03-24-16

**451 Bush Street, Inc.
SFFSRE, LLC**

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

Re: Liquor License "PCN" Request
Transfer Type 48, Pending License 567344
447 Bush Street, San Francisco, CA 94108

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2016 MAR 28 PM 2:28
BY _____ AK

To the Clerk of the Board,

The purpose of this letter is to respectfully request to be placed on the Board's calendar for Public Convenience and Necessity approval with regard to our transfer Type 48 On.Sale General Public Premises license. We are renovating the downstairs level premises at 447 Bush Street within the Hotel des Arts, and wish to operate as a cocktail lounge to serve the artists, professionals, hotel guests, and visitors of this area.

Our desired hours of operation are 6:00am - 2:00am. We will vigilantly monitor the surrounding area to ensure the safety of our business and customers at all times and maintain a lawful business. We've operated several other liquor licenses in San Francisco (Amelie, Michel Bistro, Tunnel Top, Madrone, Pop's Bar) since 2006 with no problems. Our long history in this area has allowed us to cultivate very good relationships with community leaders and members.

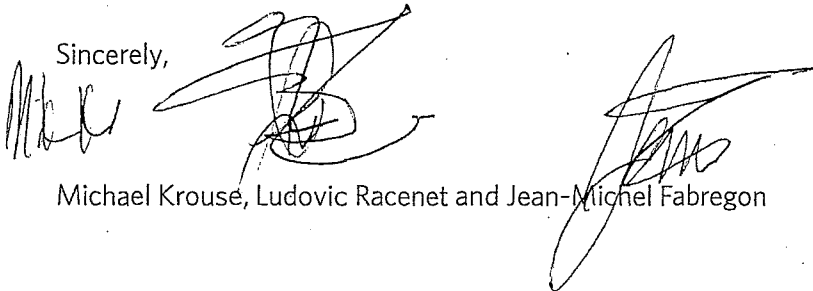
Further, our co-licensee, SFFSRE LLC, is the owner of the real estate. The process by which to obtain their approval and complete this buildout has been long fought. We feel forging this relationship with the landlord assures our success at this location.

In addition to each of the owners of 451 Bush Street Inc. taking shifts to run the business, we anticipate having between 6-7 employees. We have settled on the name of FLUXUS for the bar name. We are spending approximately \$800,000 on the build-out of the space.

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

Please contact our representative, Carrie A Peters, for scheduling our hearing date. She can be reached at 415-235-3921 or via email at Carrie@ABCLicenseCompany.com. Thank you for your kind consideration of this request.

Sincerely,



Michael Krouse, Ludovic Racenet and Jean-Michel Fabregon

LIQUOR LICENSE REVIEW

TO: Planning Department **File:** 160301
AnMarie Rodgers/CTYPLN/SFGOV
Georgia Powell/CTYPLN/SFGOV@SFGOV
Fax No.: (415) 558-6409

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

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

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and SFFSRE, LLC
and Business Name: Fluxus
(447 Bush Street)
Applicant Address: 447 Bush Street
San Francisco, CA 94108
and Phone No. (415) 235-3921

PLANNING COMMENTS: Approval Denial

POLICE COMMENTS: Approval Denial

President, District 5
BOARD of SUPERVISORS



BOS-11 COB
LEG DEP, PSNS
GAO, DAPCA
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244 M
San Francisco 94102-4689
Tel. No. 554-7630
Fax No. 554-7634
TDD/TTY No. 544-5227

RECEIVED
10/13/2016 @ 4:57pm
AS

London Breed

PRESIDENTIAL ACTION

Date: 10/13/2016

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,
Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. _____
(Primary Sponsor)

Title. _____

Transferring (Board Rule No 3.3)

File No. #160301 Department _____
(Primary Sponsor)

Title. Hearing to consider that the transfer of a Type 48 on-sale general public premises license from 451 Bush Street to 447 Bush Street

From: Public Safety & Neighborhood Services Committee

To: Government Audit & Oversight Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor _____

Replacing Supervisor _____

For: _____ Meeting
(Date) (Committee)

London Breed, President
2178 Board of Supervisors