

File No. 131106

Committee Item No. 3

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Neighborhood Services & Safety Date February 6, 2014

Board of Supervisors Meeting Date \_\_\_\_\_

#### Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input type="checkbox"/>            | <input 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"/> | Legislative Analyst Report                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form (for hearings)             |
| <input checked="" type="checkbox"/> | <input 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 type="checkbox"/> | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                        |

#### OTHER (Use back side if additional space is needed)

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Completed by: Derek Evans Date 1/31/14

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

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



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



San Francisco Police Department  
**ABC Liaison Unit**



Alcoholic Beverage License -  
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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, and that is actively monitored and recorded. 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 demand.

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

## 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

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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**

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**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 Sambay 11/25/13*

**POLICE COMMENTS:**  Approval  Denial



**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	<input checked="" type="checkbox"/> On-Sale <input type="checkbox"/> Off-Sale	7. RATIO OF LICENSES TO POPULATION IN COUNTY <input type="checkbox"/> On-Sale <input type="checkbox"/> Off-Sale
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8. CENSUS TRACT NUMBER 124.01	9. NO. OF LICENSES ALLOWED IN CENSUS TRACT 17	<input checked="" type="checkbox"/> On-Sale <input type="checkbox"/> Off-Sale	10. NO. OF LICENSES EXISTING IN CENSUS TRACT 14	<input checked="" type="checkbox"/> On-Sale <input type="checkbox"/> Off-Sale
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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

*IX 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
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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
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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** **Census Tract 0124.01**  
**Mailing Address:** **725 MONTEREY BLVD**  
**(If different from premises address)** **APT 11**  
**SAN FRANCISCO, CA 94127**

Type of license(s): **42**

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

License Type	Transaction Type	Fee Type	Master	Dup	Date	Fee
42 - On-Sale Beer And Wine	ORIGINAL FEES	NA	Y	0	11/06/13	\$300.00
42 - On-Sale Beer And Wine	ANNUAL FEE	NA	Y	0	11/06/13	\$261.00
NA	STATE FINGERPRINTS	NA	N	1	11/06/13	\$39.00
NA	FEDERAL FINGERPRINTS	NA	N	1	11/06/13	\$24.00
<b>Total</b>						<b>\$624.00</b>

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

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