

LIQUOR LICENSE PUBLIC CONVENIENCE OR NECESSITY REFERRAL

TO: Planning Department
Phone No. (415) 558-6371

DATE: September 2, 2020

AP Block/Lot Nos.: 3726/118

TO: Police Department
Inspector Georgia Sawyer
Phone No. (415) 553-9550

Zoning: 85-X MUG

Quad: SE Planning Team

Record No.: _____

Please submit your response within three weeks; the Public Safety and Neighborhood Services Committee will tentatively schedule the PC or N hearing for a regular meeting in October of 2020.

PLEASE EMAIL YOUR RESPONSE BY: September 18, 2020, to John Carroll, Public Safety and Neighborhood Services Committee Clerk.

john.carroll@sfgov.org - Phone No: 554-4445

Applicant name: Tawfiq Fayez Jodeh

Business name: Tony Baloney's

Application address: 1098 Howard Street
San Francisco, CA 94103

Applicant contact info: David J. Villa-Lobos, Licensing Agent
CLA Consulting
P.O. Box 642201
San Francisco, CA. 94164
415.921.4192
david_villalobos@sbcglobal.net

PLANNING REVIEW: Approval Denial

Planning Staff Contact: _____

Please print review comments on a trailing page.

POLICE REVIEW: Approval Denial

Please print review comments in a trailing report.



PLANNING DEPARTMENT RECOMMENDATION

September 15, 2020

Project Address: 1098 Howard Street - Tony Baloney's
Zoning District: MUG (Mixed Use General)
Planning Record Number: 2020-007908MIS
Project Manager: Michael Christensen, Senior Planner, Michael.Christensen@sfgov.org, 628-652-7567

Determination: The Planning Department recommends **denial** of the requested PCN letter. The site is an existing Limited Restaurant use, which is eligible for a Type 20 license, but not a Type 21 license. The site may convert to another use which would permit a Type 21 license, such as a Specialty Grocer use, but no action has been taken to formally convert the use to one which would permit a Type 21 license.

Attn: San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
San Francisco, CA. 94102

Re: Tony Baloney's (Type 21 Application)
1098 Howard Street
San Francisco, CA. 94103

Dear Honorable Board of Supervisors,

Our business (Tony Baloney's) serves as a public convenience and necessity as we've served the neighborhood for almost 30 years and acted as a place of both convenience and gathering for residents and local employees alike. We understand what the community needs and have adjusted our business to continue to serve our customers best as San Francisco and the SOMA have changed over the years.

Adding a liquor license to our business will allow us to better serve our customers' needs especially in a time where people need to be able to go to one local shop to have their essential needs met rather than multiple locations. If approved we plan on dedicating approximately ten percent of our space to high end craft beers, local wines and only very high-end distilled spirits. We humbly ask for your support.

Thank you most Sincerely.

Aminah Joudeh
Tony Baloney's
(415)697-9397

Hours of Operation: 9:am to 9:pm

David J. Villa-Lobos, Licensing Agent
CLA Consulting
P.O. Box 642201
San Francisco, CA. 94164
415.921.4192
david_villalobos@sbcglobal.net

ZONING AFFIDAVIT

Instructions to the Applicant: Complete Items 1 - 14. Sign and date the form and submit it to ABC.

1. APPLICANT(S) NAME (Last, first, middle) Jodeh, Tawfiq, Fayez		
2. PREMISES ADDRESS (Street number and name, city, zip code) 1098 Howard Street, San Francisco, CA 94103		3. PARCEL NUMBER OF PROPERTY (Obtain from County Assessor's Office) 3726/118
4. TYPE OF LICENSE APPLIED FOR 21 Off-Sale General	5. UPGRADE OF LICENSED PRIVILEGES <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6. CURRENT LICENSE TYPE AT THIS LOCATION, IF ANY None
7. TYPE OF BUSINESS (i.e., restaurant, mini-mart, gas station, etc.) Deli		8. ARE THE PREMISES INSIDE THE CITY LIMITS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

For answers to Questions 9 - 14, contact your local city OR county planning department (if inside the city limits, contact city planning; if outside, contact county planning.

9. HOW ARE APPLICANT PREMISES ZONED? STATE TYPE (i.e., "C" commercial, "R" residential, etc.)		
10. DOES ZONING PERMIT INTENDED USE? <input type="checkbox"/> Yes <input type="checkbox"/> No	11. IS A CONDITIONAL USE PERMIT (C.U.P.) NEEDED? (If yes, please attach copy of receipt or C.U.P.) <input type="checkbox"/> Yes <input type="checkbox"/> No	12. IF YES, DATE YOU FILED APPLICATION FOR C.U.P.
13. NAME OF PLANNER CONTACTED AT PLANNING DEPARTMENT		14. PLANNER'S PHONE NUMBER

Under the penalty of perjury, I declare the information in this affidavit is true to the best of my knowledge.

15. APPLICANT'S SIGNATURE (One signature will suffice) 	16. DATE SIGNED
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<input type="checkbox"/> C.U.P. Approved	IF APPROVED, EFFECTIVE DATE	FILE NUMBER
<input type="checkbox"/> C.U.P. Denied	DATE DENIED	

GENERAL INFORMATION

•Section 23790 of the Business and Professions Code says that ABC may not issue a retail license contrary to a valid zoning ordinance. This form will help us determine whether your proposed business is properly zoned for alcoholic beverage sales.

•A conditional use permit (CUP) (Item 11) is a special zoning permit granted after an individual review of proposed land-use has been made. CUP's are used in situations where the proposed use may create hardships or hazards to neighbors and other community members who are likely to be affected by the proposed use. The ABC district office will not make a final recommendation on your license application until after the local CUP review process has been completed. If the local government denies the CUP, ABC must deny your license application.

23790. Zoning ordinances. No retail license shall be issued for any premises which are located in any territory where the exercise of the rights and privileges conferred by the license is contrary to a valid zoning ordinance of any county or city.

Premises which had been used in the exercise of those rights and privileges at a time prior to the effective date of the zoning ordinance may continue operation under the following conditions:

- (a) The premises retain the same type of retail liquor license within a license classification.
- (b) The licensed premises are operated continuously without substantial change in mode or character of operation. For purposes of this subdivision, a break in continuous operation does not include:
 - (1) A closure for not more than 30 days for purposes of repair, if that repair does not change the nature of the licensed premises and does not increase the square footage of the business used for the sale of alcoholic beverages.
 - (2) The closure for restoration of premises rendered totally or partially inaccessible by an act of God or a toxic accident, if the restoration does not increase the square footage of the business used for the sale of alcoholic beverages.

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

Jodeh, Tawfig Fayed

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

1098 Howard St., San Francisco, CA 94103

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 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 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

883,869

6. TOTAL NUMBER OF LICENSES IN COUNTY

On-Sale Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY

1/132 On-Sale Off-Sale

8. CENSUS TRACT NUMBER

0170.01

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

6 On-Sale Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

9 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

220

14. TOTAL NUMBER OF REPORTING DISTRICTS

054

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

15,022

16. AVERAGE NO. OF OFFENSES PER DISTRICT

84.13

17. 120% OF AVERAGE NUMBER OF OFFENSES

100.8

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

232

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

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PREPARED BY (Name of Department Employee)

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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 this area. You may attach a separate sheet or additional documentation, if desired. Do *not* proceed to Part 3.

22. APPLICANT SIGNATURE

23. DATE SIGNED

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