

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Rafael Mandelman, Chair  
Public Safety and Neighborhood Services Committee

FROM: John Carroll, Assistant Clerk

DATE: December 11, 2020

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**  
Tuesday, December 15, 2020

The following file should be presented as a COMMITTEE REPORT at the Board meeting, Tuesday, December 15, 2020. This item was acted upon at the regular Public Safety and Neighborhood Service Committee meeting on Thursday, December 10, 2020, at 10:00 ap.m., by the votes indicated.

**Item No. 44                      File No. 201174**

**Resolution determining that the transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to Tawfiq Fayez Jodeh, doing business as Tony Baloney's, located at 1098 Howard Street (District 6), will serve the public convenience or necessity of the City and County of San Francisco; and requesting that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license.**

RECOMMENDED AS A COMMITTEE REPORT

Vote: Supervisor Rafael Mandelman - Aye  
Supervisor Catherine Stefani - Aye  
Supervisor Shamman Walton - Aye

Cc: Board of Supervisors  
Angela Calvillo, Clerk of the Board  
Alisa Somera, Legislative Deputy  
Anne Pearson, Deputy City Attorney

File No. 201174

Committee Item No. 1

Board Item No. 44

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Comm: Public Safety & Neighborhood Services

Date: Dec. 10, 2020

Board of Supervisors Meeting:

Date: Dec. 15, 2020

#### Cmte Board

- |                          |                                     |  |
|--------------------------|-------------------------------------|--|
| <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 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 type="checkbox"/> | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Public Correspondence                        |

#### OTHER

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Police Department Response – December 3, 2020</u>   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Planning Department Response – October 22, 2020</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral – October 19, 2020</u>                     |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>PC or N Request Letter – October 13, 2020</u>       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | <u>_____</u>   |

Prepared by: John Carroll

Date: Dec. 4, 2020

Prepared by: John Carroll

Date: Dec. 11, 2020

1 [Liquor License Transfer - 1098 Howard Street - Tony Baloney's]

2

3 **Resolution determining that the transfer of a Type-21 off-sale general beer, wine,**  
4 **and distilled spirits liquor license to Tawfiq Fayeze Jodeh, doing business as Tony**  
5 **Baloney's, located at 1098 Howard Street (District 6), will serve the public**  
6 **convenience or necessity of the City and County of San Francisco; and**  
7 **requesting that the California Department of Alcoholic Beverage Control impose**  
8 **conditions on the issuance of the license.**

9

10 WHEREAS, Tawfiq Fayeze Jodeh, is seeking the transfer of a Type-21 off-sale  
11 general beer, wine, and distilled spirits liquor license, to do business as Tony Baloney's,  
12 located at 1098 Howard Street (District 6); 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 protests and two letters of  
16 support with the Department of Alcoholic Beverage Control under California Business  
17 and Professions Code, Section 24013, and recommends that the Department of  
18 Alcoholic Beverage Control issue the liquor license with conditions; and

19 WHEREAS, The conditions recommended by the Police Department are the  
20 following: 1) Petitioner(s) shall actively monitor the area under their control in an effort  
21 to prevent the loitering of persons on any property adjacent to the licensed premises as  
22 depicted on the most recently certified ABC-253; now, therefore, be it

23 RESOLVED, That in accordance with California Business and Professions Code,  
24 Section 23958.4, the Board of Supervisors of the City and County of San Francisco  
25 hereby determines that the transfer of a Type-21 off-sale general beer, wine, and

1 distilled spirits liquor license to Tawfiq Fayeze Jodeh, doing business as Tony Baloney's,  
2 located at 1098 Howard Street, will serve the public convenience or necessity of the  
3 City and County of San Francisco; and, be it

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

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

**From:** [Arab American Grocers Association \(AAGA\)](#)  
**To:** [Carroll, John \(BOS\)](#)  
**Subject:** Support of Agenda Item 1. File # 201174 [Liquor License Transfer - 1098 Howard Street - Tony Baloney"s]  
**Date:** Monday, December 7, 2020 4:37:40 PM  
**Attachments:** [AAGA Letter - File 201174.pdf](#)

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,  
Please see attached written comment in support of Agenda Item #1 for the 12/10 Hearing.

Thank you!



Public Safety and Neighborhood Services Committee

Re: Support of Agenda Item 1. File # 201174 [Liquor License Transfer - 1098 Howard Street - Tony Baloney's]

Honorable Members of the Board,

The Arab American Grocers Association represents over 400 small family owned retailers in San Francisco. Our member businesses have been on the front lines of the pandemic, keeping their doors open, lights on the streets and shelves stocked with essential grocery, beverage, and personal care items. We have adapted to the needs of the neighborhoods we are based in and continue to comply with changing re-opening guidelines and public health orders.

We write this letter today in support of the transfer of an off-sale liquor license to Tony Baloney's as they too, make the pivot to better serve their customers in the South of Market. Tony Baloney's is a long-standing staple of the neighborhood, which prior to the Shelter in Place, had served a regular lunch rush with their wide array of deli and sandwich items. Today, they are making the appropriate changes to become compliant as a Grocery plus Deli business.

We urge you to support their request for the liquor license transfer at this time.

Thank You.

Best,

Arab American Grocer Association (AAGA) Executive Board



San Francisco Police Department  
**ABC Liaison Unit**



Alcoholic Beverage License -  
*Public Convenience or  
Necessity Recommendation*

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

**Supervisor Rafael Mandelman**  
**Supervisor Catherine Stefani**  
**Supervisor Shamman Walton**

**Ofc. JOEL SALMONSON #732**

**From:** *For* Lt. Georgia Sawyer #1565  
Officer in Charge  
ALU/Permits Unit 415-553-9550

**Date:** December 3, 2020

**Subject:** P.C.N. Investigation Regarding: Jodeh, Tawfiq Fayez  
DBA: TONY BALONEY'S  
1098 Howard St  
San Francisco, CA. 94103-2820

Tawfiq Jodeh has filed an application with the California Department of Alcoholic Beverage Control seeking a Type 21 (Off-Sale General) license to be located at 1098 Howard St. (located 7th St. and 6th St.)

**Hours of Operation:**

9:00 a.m. to 9:00 p.m. each day of the week.

**Digest:**

Tawfiq Jodeh would like to operate a Limited Restaurant/Specialty Grocery (Tony Baloney's) to include Beer, Wine and Distilled spirits sales, located at 1098 Howard St. If approved, this license will allow them to sell Off-Sale General.

**Letters of Protest**

0

**Letters of Support**

2

**Police Calls for Service:**

From August 2019 to August 2020

**5 calls for service**

**Police Reports:**

From August 2019 to August 2020

**2 police reports**

**San Francisco Plot Information:**

This premise is located in Plot: **220**

A High Crime area is defined as **107** or more police reports in a plot for the year of **2019**.

This plot had **259** police reports for **2019**, which is 152 **higher** than the **Citywide** "**High Crime**" average

**State Census Tract Information:**

This premise is located in Census Tract: **176.01**

Population for this tract is: **7,630**

On-sale license authorized by census tract: **27**

Active on-sale licenses: 98 with 0 pending

Off-sale licenses authorized by census tract: **6**

Active off-sale licenses: 13 with 0 pending



**Departmental Recommendation:**

Points of consideration: **0**

No opposition from **Southern Station**.

Applicant premise **is** located in a “**High Crime**” area.

Applicant premise **is** located in a “**High Concentration**” area.

**0** - Protest.

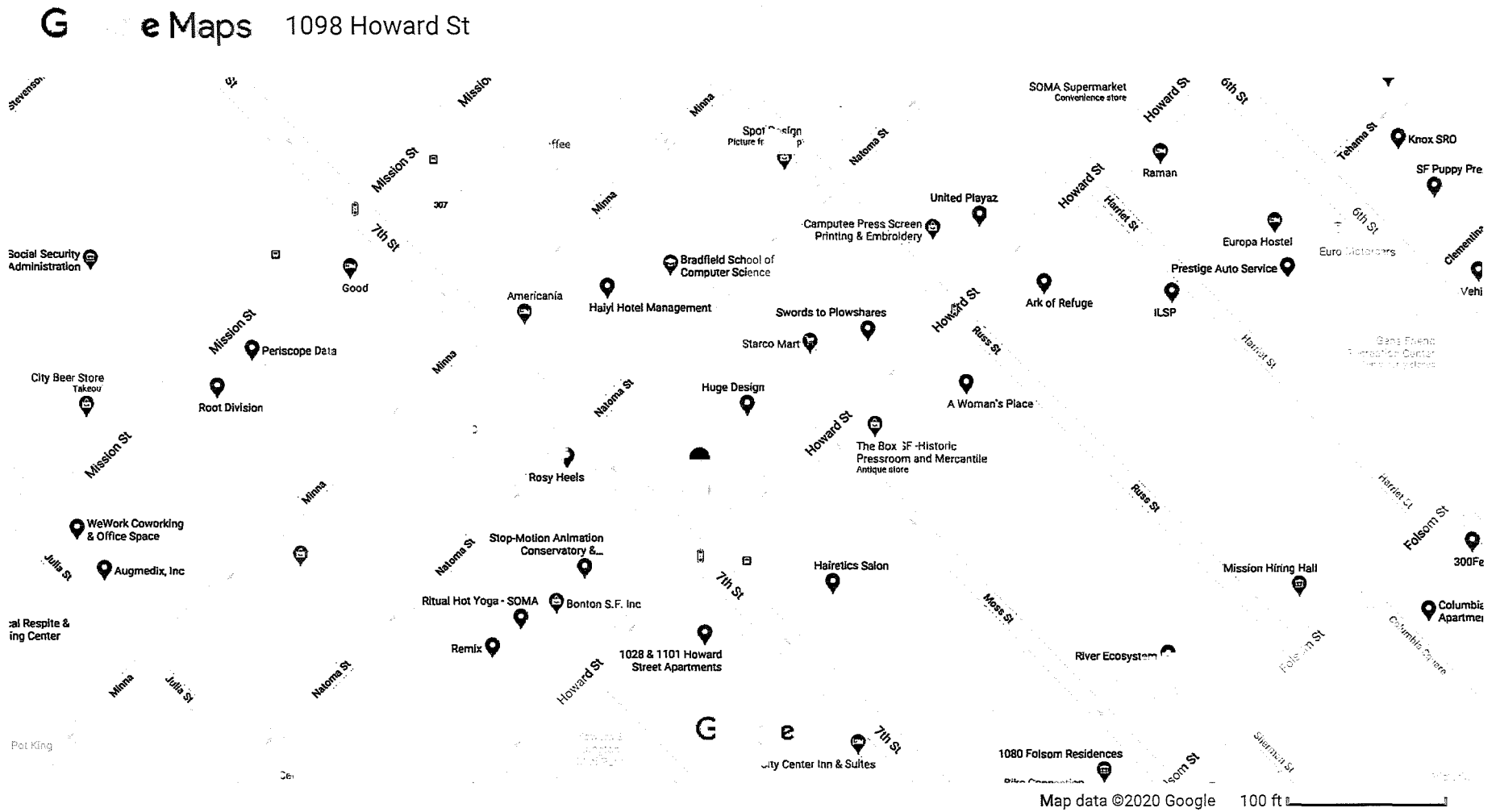
**2** - Support

ALU Recommendation: **Approval with following conditions:**

**Conditions for Type 21- Off-Sale General**

1. Petitioner(s) shall actively monitor the area under their control in an effort to prevent the loitering of persons on any property adjacent to the licensed premises as depicted on the most recently certified ABC-253.

It should be noted that as of November 11, 2020 the applicant had agreed to the above listed recommended condition.



Google Maps 1098 Howard St



Image capture: Oct 2019 © 2020 Google

San Francisco, California

Google

Street View

# LIQUOR LICENSE PUBLIC CONVENIENCE OR NECESSITY REFERRAL

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

**DATE:** October 19, 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.:** 2020-009461MIS

---

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 December of 2020.

**PLEASE EMAIL YOUR RESPONSE BY:** November 6, 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: Michael Christensen 4155758742 Michael.Christensen@sfgov.org

**Please print review comments on a trailing page.**

**POLICE REVIEW:**  Approval  Denial

**Please print review comments in a trailing report.**

On October 2, 2020, Building Permit Application No. 202010025735 was filed to change the use of the ground floor commercial space at 1098 Howard from Limited Restaurant to Specialty Grocery, in order to allow the business (dba Tony Baloney's) to obtain a Type 21 ABC License. A Type 21 ABC License permits an establishment to sell beer, wine and distilled spirits for consumption off the premises where sold. Under the Planning Code, this license type is permitted in conjunction with a Specialty Grocery use, but not a Limited Restaurant.

As such, the Planning Department recommends approval of the requested PCN letter, subject to the following conditions:

1. The sponsor shall COMPLETE BPA 202010025735 by obtaining and issued permit and completing all inspections.
2. The site shall maintain shelves and product sales of a Specialty Grocer and shall not revert to a Limited Restaurant use after license approval. Specifically, the site shall maintain at least 85% of the gross floor area for sale of "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 food and non-food commodities related or complementary to the specialty food products."
3. No more than 15% of the gross floor area shall be devoted to the sale of alcohol products.
4. The business shall comply with the operating conditions of Planning Code Section 202.2(a)(1).



Michael Christensen - PLN

**PLANNING**

October 22, 2020

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

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2020 OCT 13 PM 3:06

BY



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

**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, Tawfiq 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*

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

*AD*

**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