

File No. 110178

Committee Item No. 3

Board Item No. 6

**COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST**

Committee: **City Operations & Neighborhood
Services Committee**

Date 4/11/11

Board of Supervisors Meeting

Date 4/19/11

LIQUOR LICENSE HEARING

Cmte Board

- | | | |
|-------------------------------------|-------------------------------------|----------------------------|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Applicant's Letter |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Police Department Report |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Planning Department Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Clerk's Correspondence |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Other |

- _____
- _____
- _____
- _____
- _____
- _____

Completed by Gail Johnson

Date 4/7/11

Completed by AG

Date 4/13/11

1 [Liquor License - 863 Mission Avenue]

2
3 **Resolution determining that the issuance of a Type 42 on-sale beer and wine**
4 **public premises license to Jeremy Ogor for Artist Ally, dba Bar Madira, located at**
5 **863 Mission Street (District 6), will serve the public convenience or necessity of**
6 **the people of the City and County of San Francisco, in accordance with Section**
7 **23958.4 of the California Business and Professions Code, with conditions.**
8

9 WHEREAS, Jeremy Ogor is seeking the issuance of a Type 42 on-sale beer and
10 wine public premises license for Artist Ally, dba Bar Madira, located at 863 Mission
11 Street; and,

12 WHEREAS, The Planning Department has verified that the area is properly
13 zoned; and,

14 WHEREAS, The Police Department recommends that the liquor license
15 application be approved with conditions; now, therefore, be it

16 RESOLVED, That in accordance with Section 23958.4 of the California Business
17 and Professions Code, the Board of Supervisors of the City and County of San
18 Francisco hereby determines for the foregoing reasons that the issuance of a Type 42
19 on-sale beer and wine public premises license, to Jeremy Ogor for Artist Ally, dba Bar
20 Madira, located at 863 Mission Street, will serve the public convenience or necessity of
21 the people of the City and County of San Francisco.

22 Conditions: (1) Sales, service, and consumption of alcoholic beverages shall be
23 permitted only between the hours of 11:00 a.m. and 10:00 p.m. Sunday-Thursday and
24 11:00 a.m. and 12:00 Midnight Friday-Saturday. (2) Noise ("noise is defined as any
25 raucous sound that is produced in such a manner or to such a degree as to disturb the

1 peace, quiet, and comfort of persons in the neighborhood”) shall not be audible beyond
2 the area under the control of the licensee as depicted on ABC-257. (3) The petitioner(s)
3 shall be responsible for maintaining free of litter the area adjacent to the premises over
4 which they have control. (4) Loitering (loitering is defined as “to stand idly about; linger
5 aimlessly without lawful business”) is prohibited on any sidewalks or property adjacent
6 to the licensed premises under the control of the licensee. (5) Graffiti shall be removed
7 from the premises and all parking lots under the control of the licensee within 72 hours
8 of application. If the graffiti occurs on a Friday or weekend day, or on a holiday, the
9 licensee shall remove the graffiti within 72 hours following the beginning of the next
10 week day. (6) The interior lighting maintained therein shall be sufficient to make easily
11 discernible the appearance and conduct of all persons and patrons in that portion of the
12 premises where alcoholic beverages are sold, served, delivered or consumed. (7) The
13 exterior of the premises shall be equipped with lighting of sufficient power to illuminate
14 and make easily discernible the appearance and conduct of all persons on or about the
15 premises. Additionally, the position of such lighting shall not disturb the normal privacy
16 and use of any neighboring residences. (8) Petitioner shall not make structural changes
17 in the premises interior without prior written approval from the Department. (9) The sale
18 of alcoholic beverages for off-sale is strictly prohibited. (10) The sale, service and
19 consumption of beer or malt beverages is strictly prohibited.

File # 110178

2/18/11
RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 FEB 18 PM 3:57

TO: CLERK OF THE BOARD
FROM: JEREMY OGOR
RE: PC N REQUEST

My name is Jeremy Ogor and I can be reached at 516-647-1782 or 415-522-2440.

The business address is 863 Mission St, San Fran, CA 94103

I am applying for a type 42 license.

The business is located at 863 Mission St San Fran, CA 94103. We are an art gallery and event venue.

The business name is The Artist Ally and the DBA is Bar Madira.

Our hours of operation are 11am-7pm 7 days a week. We are also opened at night as events are scheduled.

Our business is an improvement to the neighborhood. We draw people from all aspects of the city who are interested →

in the arts. The city has dedicated our
neighborhood an art district and we are
pioneers in establishing the arts in the
SOMA neighborhood. Scheduled events for
artists and others would require us to
offer wine and beer as an added
incentive for bringing more business to
the area as well as the city as a whole,
Thank you.

Jeremy M. G.

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.

RECEIVED
 BOARD OF SUPERVISORS
 SAN FRANCISCO
 2014 FEB 18 PM 9:56
 BY [Signature]

PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT'S NAME
JMO ENTERTAINMENT PARTNERS LLC

2. PREMISES ADDRESS (Street number and name, city, zip code)
863 MISSION ST. SAN FRANCISCO, CA 94103-3006

3. LICENSE TYPE

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		

Supermarket Membership Store Service Station Swap Meet/Flea Market

Liquor Store Department Store Convenience Market Drive-in Dairy

Drug/Variety Store Florist/Gift Shop Convenience Market w/Gasoline

Other - describe:

5. COUNTY POPULATION 6. TOTAL NUMBER OF LICENSES IN COUNTY 7. RATIO OF LICENSES TO POPULATION IN COUNTY

824,525 **317** On-Sale Off-Sale **1:2000** On-Sale Off-Sale

8. CENSUS TRACT NUMBER 9. NO. OF LICENSES ALLOWED IN CENSUS TRACT 10. NO. OF LICENSES EXISTING IN CENSUS TRACT

0104. **16** On-Sale Off-Sale **3** 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

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 14. TOTAL NUMBER OF REPORTING DISTRICTS 15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

222 **654** **120,367**

16. AVERAGE NO. OF OFFENSES PER DISTRICT 17. 120% OF AVERAGE NUMBER OF OFFENSES 18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

184 **221** **963**

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

PCEN

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.

SF BOARD OF SUPERVISORS

Governing Body/Designated Subordinate Name:
 FOR DEPARTMENT USE ONLY
 PREPARED BY (Name of Department Employee)

[Signature]

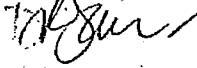


San Francisco Police Department
ABC Liaison Unit

Alcoholic Beverage License -
*Public Convenience and
Necessity Determination*

To: The San Francisco Board of Supervisors' Committee on City Operations
& Neighborhood Services

Supervisor Avalos
Supervisor Mar
Supervisor Elsbernd

From: Inspector Dave Falzon 
Officer in Charge
ABC Liaison Unit (ALU) 553-1049

Date: April 8, 2011

Subject: P.C.N. Investigation Regarding: Mr. Jeremy Ogor
Bar Madira
863 Mission Street

Mr. Jeremy Ogor on behalf of Bar Madira has filed an application with the California Department of Alcoholic Beverage Control seeking a Type 42 (On-Sale Beer & Wine Public Premises) license for 803-805 Howard Street (located between 4th Street and 5th Street).

Hours of Operation:

Daily 11:00 a.m. – 7:00 p.m.

Digest:

If approved, this license will allow the applicant to serve wine on premises. This type of licenses does not have a food requirement and those under the age of 21 are not allowed admittance.

Letters of Protest:

No Record

Letters of Support:

No Record

Police Calls for Service:

From April 2010 to April 2011

8

Police Reports:

From April 2010 to April 2011

No Record

San Francisco Plot Information:

This premise is located in Plot 222

184 Police Reports were recorded for this plot in 2009

This plot is 37 Police Report(s) under the citywide average (plus 20%) of 221 Police Reports.

State Census Tract Information:

This premise is located in Census Tract 176.01

Population for this tract is: 5829

On-sale license authorized by census tract: 16

Active on-sale licenses: 54 with 1 pending

Off-sale licenses authorized by census tract: 6

Active off-sale licenses: 11 with 0 pending

Departmental Recommendation:

Points of consideration:

Opposition from **Southern Station**

Applicant premise **is not** located in a "high crime" area.

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

No Record of protest.

No Record of support.

Applicant supports conditions.

ALU Recommendation: **Approval with Conditions**

1. Sales, service, and consumption of alcoholic beverages shall be permitted only between the hours of 11:00 a.m. and 10:00 p.m. Sunday-Thursday and 11:00 a.m. and 12:00 Midnight Friday-Saturday.
2. Noise ("noise is defined as any raucous sound that is produced in such a manner or to such a degree as to disturb the peace, quiet, and comfort of persons in the neighborhood") shall not be audible beyond the area under the control of the licensee as depicted on ABC-257, dated _____.
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8. Petitioner shall not make structural changes in the premises interior without prior written approval from the Department.
9. The sale of alcoholic beverages for off-sale is strictly prohibited.
10. The sale, service and consumption of beer or malt beverages is strictly prohibited.

end.

Census Tract 176.01, San Francisco County, California

- Boundaries**
- State
 - '00 County
 - '00 Census Tract
 - '00 Block Group
 - '00 Place
 - '00 Urban Area
 - '00 Urban Area
- Features**
- Major Road
 - Street
 - Stream/Waterbody
 - Stream/Waterbody

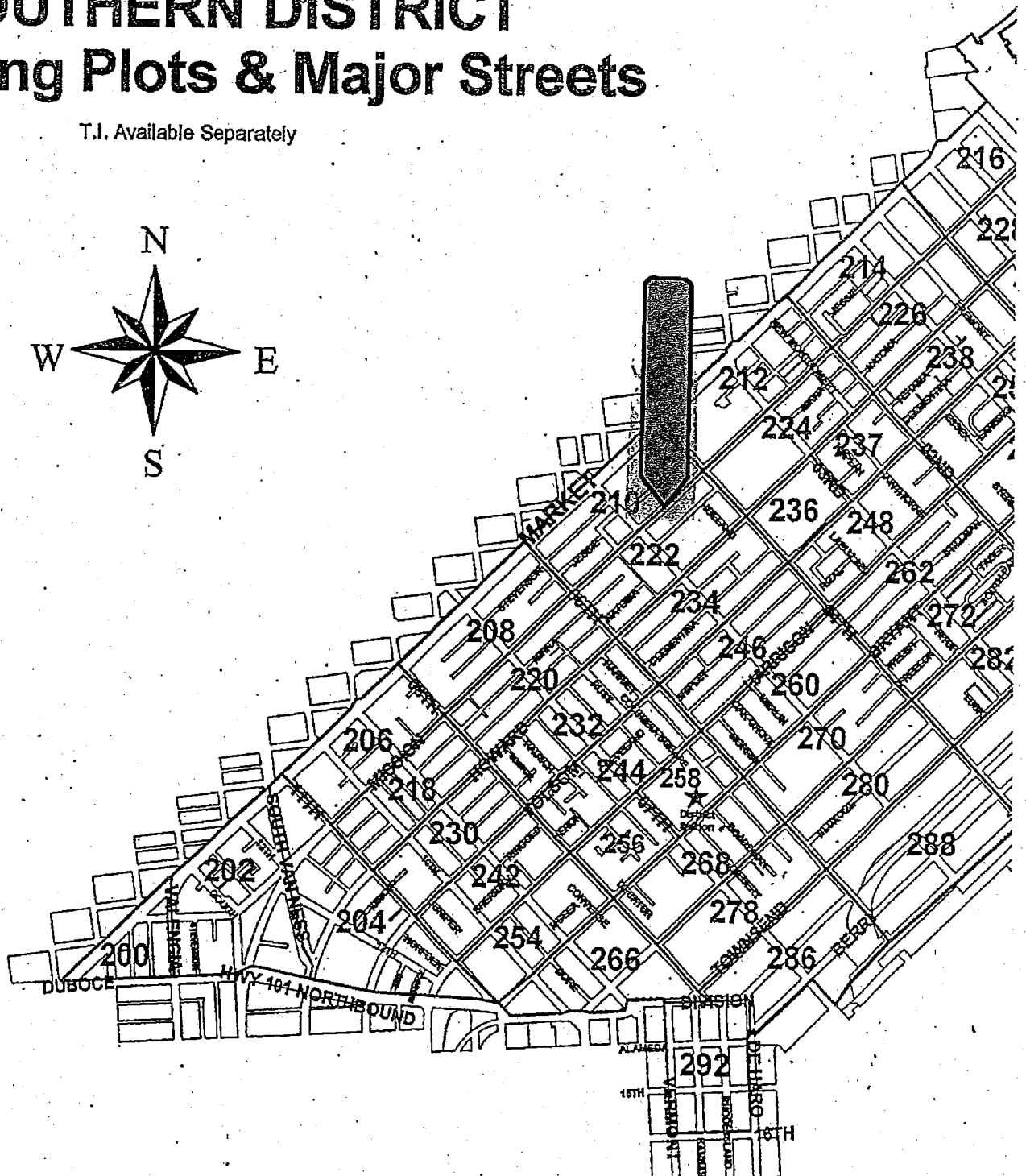
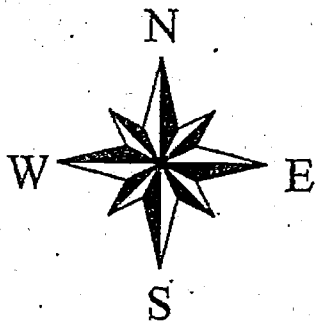


2.8 miles across

Close

SOUTHERN DISTRICT Reporting Plots & Major Streets

T.I. Available Separately



RECEIVED

MAR 3 - 2011

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
TAC TEAM

LIQUOR LICENSE REVIEW

TO: Planning Department
AnMarie Rodgers/CTYPLN/SFGOV
Georgia Rowell/CTYPLN/SFGOV@SFGOV
Fax No.: 558-6409

File: 110178

Block/Lot: 3724/067
Zoning: C-3-S
Quad: NE
MS # 1100504

TO: Inspector Dave Falzon
Police Department
Fax No.: 553-1463

DATE: March 1, 2011

This item is scheduled to be heard at a meeting on March 28, 2011. PLEASE E-MAIL YOUR RESPONSE BY: March 24, 2011, to Gail Johnson, Clerk, City Operations and Neighborhood Services Committee.

Gail.Johnson@sfgov.org - Fax No: 554-7714

Applicant Name: Jeremy Ogor
and Business Name: Bar Madira

Applicant Address: 863 Mission Street
and Phone No. (516) 647-1782
(415) 522-2440

PLANNING COMMENTS: Approval Denial

permitted per Planning Code Section 218(b)

[Signature] 3/4/11
Rick Caswood

POLICE COMMENTS: Approval Denial