

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Gordon Mar, Chair
Public Safety and Neighborhood Services Committee

FROM: Stephanie Cabrera, Assistant Clerk

DATE: October 17, 2022

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, October 18, 2022

The following file should be presented as COMMITTEE REPORT at the regular Board meeting on Tuesday, October 18, 2022. This RESOLUTION was acted upon at the regular Public Safety and Neighborhood Services Committee meeting on Thursday, October 13, 2022, at 10:00 a.m., by the votes indicated.

Item No. 36 **File No. 220904**

[Liquor License Transfer - 217 Kearny Street - Murphy's Pub]

Resolution determining that the transfer for a Type-48 on-sale general public premises liquor license, converted from a Type-47 on-sale general for bona find eating place liquor license, to Conary and Murphy LLC, to do business as Murphy's Pub, located at 217 Kearny Street (District 3), will serve the public convenience or necessity of the City and County of San Francisco in accordance with California Business and Professions Code, Section 23958.4. (Clerk of the Board)

RECOMMENDED AS A COMMITTEE REPORT

Vote: Supervisor Gordon Mar - Aye
 Supervisor Catherine Stefani - Aye
 Supervisor Myrna Melgar - Aye

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

File No. 220904

Committee Item No. 1

Board Item No. 36

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Public Safety and Neighborhood Services
Board of Supervisors Meeting:

Date: October 13, 2022

Date: October 18, 2022

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 / DRAFT Mills Act 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 type="checkbox"/> | Public Correspondence |

OTHER

- | | | |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>PCN Request, dtd 7/25/22</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>PCN Referral, dtd 7/27/22</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Police Department Response, dtd 10/6/22</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Planning Department Response, dtd 9/6/22</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Prepared by: Alisa Somera

Date: October 7, 2022

Prepared by: Stephanie Cabrera

Date: October 17, 2022

Prepared by: _____

Date: _____

[Liquor License Transfer - 217 Kearny Street - Murphy's Pub]

Resolution determining that the transfer of a Type-48 on-sale general public premises liquor license, converted from a Type-47 on-sale general for bona fide eating place liquor license, to Conary and Murphy LLC, to do business as Murphy's Pub, located at 217 Kearny Street (District 3), will serve the public convenience or necessity of the City and County of San Francisco in accordance with California Business and Professions Code, Section 23958.4.

WHEREAS, Conary and Murphy LLC, is seeking the transfer of a Type-48 on-sale general public premises liquor license, converted from a Type-47 on-sale general for bona fide eating place liquor license to do business as Murphy's Pub, located at 217 Kearny Street (District 3); and

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

WHEREAS, The Police Department has filed zero protests and zero letters of support with the Department of Alcoholic Beverage Control under California Business and Professions Code, Section 24013, and recommends that the Department of Alcoholic Beverage Control issue the liquor license without conditions; now, therefore, be it

RESOLVED, That in accordance with California Business and Professions Code, Section 23958.4, the Board of Supervisors of the City and County of San Francisco hereby determines that the transfer of a Type-48 on-sale general public premises liquor license, converted from a Type-47 on-sale general for bona fide eating place liquor

1 license, to Conary and Murphy LLC, to do business as Murphy's Pub, will serve the
2 public convenience or necessity of the City and County of San Francisco; and, be it

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

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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 Gordon Mar
Supervisor Catherine Stefani
Supervisor Myrna Melgar

From: Lt. Steve Jonas #79
Officer in Charge
ALU/Permits Unit 415-553-9550

Date: October 6, 2022

Subject: P.C.N. Investigation Regarding: Conary & Murphy, LLC
DBA: Murphy's Pub
217 Kearny St.
San Francisco, CA. 94108

Conary & Murphy LLC, has filed an application with the California Department of Alcoholic Beverage Control seeking a Type 48 (On-Sale General Public Premise) license to be located at 217 Kearny St. (located between Sutter St. and Bush St.)

Hours of Operation:

Open 24 hours each day.

Digest:

7 Eleven Inc. would like to operate a 24-hour convenience market to be located at 221 Sansome St. If approved, this license will allow them to sell Beer and Wine.

Letters of Protest

0

Letters of Support

0

Police Calls for Service:

From February 2021 to February 2022

23 calls for service

Police Reports:

From February 2021 to February 2022

5 police reports

San Francisco Plot Information:

This premise is located in Plot: **160**

A High Crime area is defined as **96** or more police reports in a plot for the year of **2021**.

This plot had 153 police reports for **2021**, which is 57 **higher** than the **Citywide “High Crime”** average

State Census Tract Information:

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

Population for this tract is: **1,905**

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

Active on-sale licenses: 192 with 0 pending

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

Active off-sale licenses: 37 with 0 pending

Departmental Recommendation:

Points of consideration: **0**

No opposition from **Central Station**.

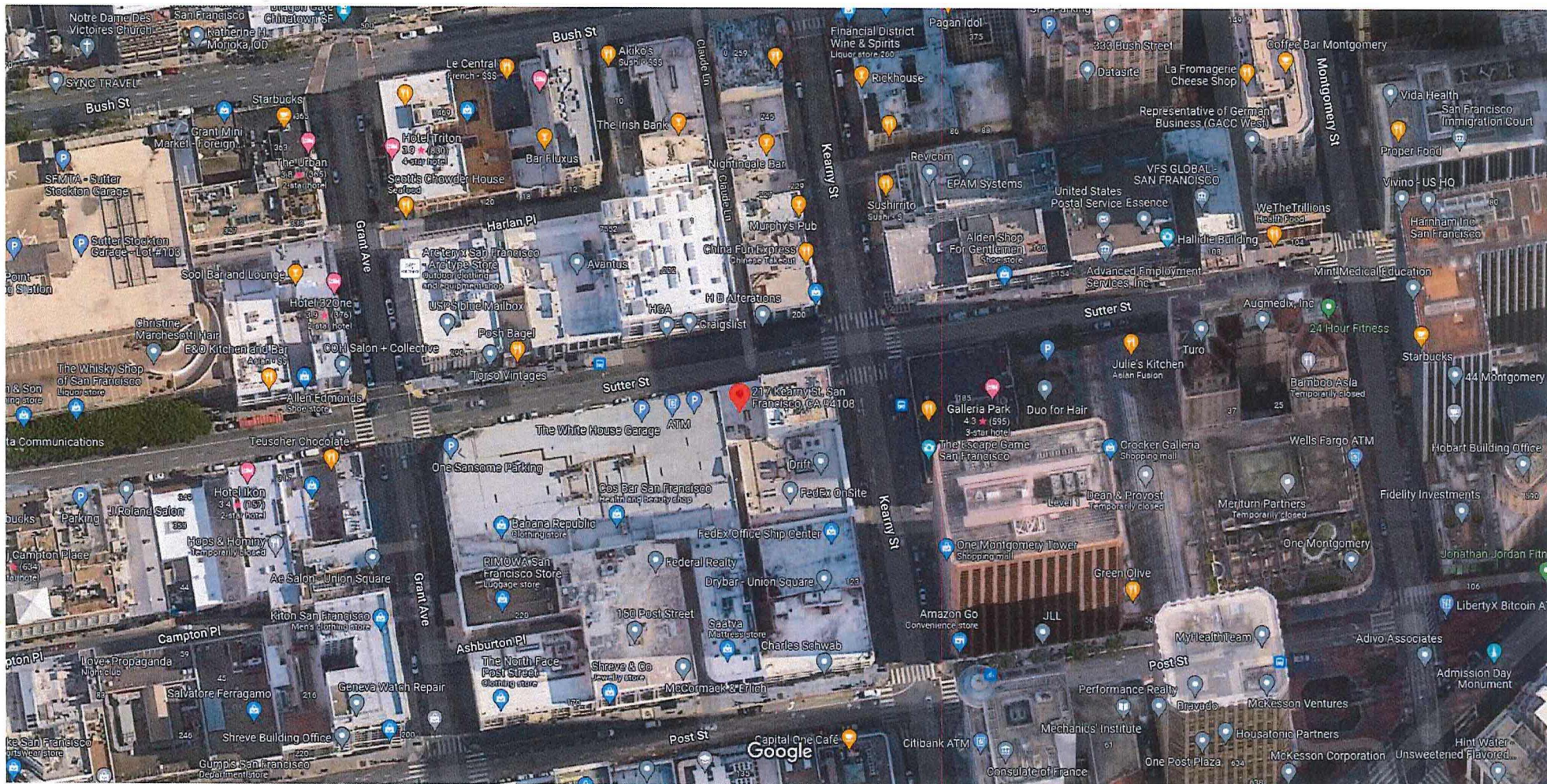
Applicant premise **is** located in a “**High Crime**” area.

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

0 - Protest.

0 - Support

ALU Recommendation: **Approval with no additional conditions.**



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LIQUOR LICENSE PUBLIC CONVENIENCE OR NECESSITY REFERRAL

TO: Planning Department
Attn: Michelle Langlie
Phone No. 628.652.7410

DATE: July 27, 2022

AP Block/Lot Nos.: 0287 / 006

Zoning: C-3-O Downtown Office

Quad: NE

Record No.: 2022-007347MIS

TO: Police Department
Joel Salmonson
Phone No. (415) 553-1115

Please submit your response within three weeks. The Public Safety and Neighborhood Services Committee will tentatively schedule the PC or N hearing for the regular meeting of September 22, 2022.

PLEASE EMAIL YOUR RESPONSE by September 14, 2022, to:

Alisa Somera, Public Safety and Neighborhood Services Committee Clerk.

alisa.somera@sfgov.org ~ (415) 554-7711

Applicant name: Conary and Murphy LLC

Business name: Murphy's Pub

Application address: 217 Kearny Street
San Francisco, CA 94108

Applicant contact info: Ollie Pender
murphyspubsf@yahoo.com ~ (650) 580-2207

PLANNING REVIEW: **Approval** **Denial**

Planning Staff Contact: Michelle Langlie 628.652.7410

(Please add comments on a trailing page.)

POLICE REVIEW: **Approval** **Denial**

(Please add comments in a trailing report.)



9/6/2022

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

Re: BOS referral - Liquor License Public Convenience or Necessity Referral for Murphy's Pub – 217 Kearny Street
Planning Department Files No. 2022-006458MIS and 2022-007347MIS

To Whom It May Concern:

The Planning Department is recommending approval of the attached ABC Type 48 (On-Sale General – Public Premises) License exchange from a Type 47 (On-Sale General – Eating Place) for an existing Restaurant dba Murphy's Pub at 217 Kearny Street requesting to change use to a Bar. Bar is a Retail Sales and Service principally permitted in the C-3-O Downtown Office Zoning District per Planning Code Section 210.2.

If you have any questions related to Planning's evaluation, please contact me at 628-652-7410.

Sincerely,

Michelle M. Langlie (she/her/hers)
Senior Preservation Planner | PIC Specialist
Northeast Team | Current Planning

San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7410 | General Inquiries: pic@sfgov.org | www.sfplanning.org
[San Francisco Property Information Map](#)

To whom it may concern

7/22/2022

Conary and Murphy LLC. DBA Murphy's pub 217 Kearny St San Francisco 94108 in accordance with ABC license issuance requests a Public Convenience or Necessity Determinations from the board of supervisors In regard to exchanging our existing type 47 license to a type 48

We intend to continue operating the same or reduced hour as we have for the past 20 years 10am to 2am whenever possible.

Conary & Murphy filed the application for a license exchange at the San Francisco ABC office on July 5th 2022 and posted a notice of filing also on the premises at 217 Kearny St the same day.

On July 12 we mailed letters to property owners with residence within 500ft of our intent to apply for a license change.

Murphy's Pub has been doing business on Kearny St for the past 20 years but due to the pandemic and lack of office workers returning to the financial district we are unable to sustain our food operation. We are applying for the change in license to help reduce operating costs in the hopes that we can stay in business until such time as the office workers return on a consistent and regular basis. Thus allowing us to return to full operations at a sustainable level some day in the future for the service and betterment of the neighborhood.



Ollie Pender

Manager

Murphy's Pub

(650) 580 2207

Murphyspubsf@Yahoo.com

RECEIVED
JUL 25 PM 2:52
OFFICE OF THE CLERK
CITY AND COUNTY OF SAN FRANCISCO

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

CONARY & MURPHY LLC

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

217 Kearny St., San Francisco, CA 94108-4502

3. LICENSE TYPE

4. TYPE OF BUSINESS

- | | | | |
|---|--|---|--|
| <input type="checkbox"/> Full Service Restaurant | <input type="checkbox"/> Hofbrau/Cafeteria | <input checked="" 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 checked="" 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 | |
| Other - describe: | | | |

5. COUNTY POPULATION

1905/875,010

6. TOTAL NUMBER OF LICENSES IN COUNTY

On-Sale Off-Sale 293 On-Sale Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY

8. CENSUS TRACT NUMBER

117

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

6

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

On-Sale Off-Sale 141 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

170

14. TOTAL NUMBER OF REPORTING DISTRICTS

654

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

55,022

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

239

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)

JM

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

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LIQUOR LICENSE PUBLIC CONVENIENCE OR NECESSITY REFERRAL

TO: Planning Department
Attn: _____
Phone No. _____

DATE: July 27, 2022

AP Block/Lot Nos.: 0287 / 006

Zoning: C-3-O Downtown Office

Quad: _____

Record No.: _____

TO: Police Department
Joel Salmonson
Phone No. (415) 553-1115

Please submit your response within three weeks. The Public Safety and Neighborhood Services Committee will tentatively schedule the PC or N hearing for the regular meeting of September 22, 2022.

PLEASE EMAIL YOUR RESPONSE by September 14, 2022, to:

Alisa Somera, Public Safety and Neighborhood Services Committee Clerk.

alisa.somera@sfgov.org ~ (415) 554-7711

Applicant name: Conary and Murphy LLC

Business name: Murphy's Pub

Application address: 217 Kearny Street
San Francisco, CA 94108

Applicant contact info: Ollie Pender
murphyspubsf@yahoo.com ~ (650) 580-2207

PLANNING REVIEW: Approval Denial

Planning Staff Contact: _____
(Please add comments on a trailing page.)

POLICE REVIEW: Approval Denial

(Please add comments in a trailing report.)