

File No. 091322

Committee Item No. 1  
Board Item No. \_\_\_\_\_

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

Committee: City Operations & Neighborhood Ser. Date: January 11, 2010

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

**Cmte Board**

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <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 Analyst Report                        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Analyst 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"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Public Correspondence                        |

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

<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"/>	_____

Completed by: Victor Young

Date January 7, 2010

Completed by: Victor Young

Date \_\_\_\_\_

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



01/08/2010

10:11

SFPD VICE CRIMES → B OF SUPERVISOR

NO. 208

D02




San Francisco Police Department  
**Vice Crimes Division**

Alcoholic Beverage License  
**District: 3**

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

Supervisor Bevan Dufty  
Supervisor Chris Daly  
Supervisor Sean Elsbernd

**From:** Inspector Dave Falzon   
Vice Crimes Division 415/970-3057

**Date:** January 8, 2009

**Subject:** P.C.N. Investigation Regarding: The Wine Club  
Mr. Patrick Buscovich  
953 Harrison Street  
760-0636

Mr. Patrick Buscovich on behalf of The Wine Club has filed an application with the California Department of Alcoholic Beverage Control seeking a Type 21 (Off-Sale General) license for 953 Harrison Street (located between 5th Street and 6th Street).

**Proposed Hours of Operation:**

Sunday 11:00 a.m. – 6:00 p.m.  
Monday-Saturday 10:00 a.m. – 7:00 p.m.

**Digest**

If approved, this license will allow the applicant to sell off-sale beer, wine, and distilled spirits. This applicant currently operates with a Type 20 off-sale beer and wine license and Type 42 license for wine tasting.

The addition of the Type 21 license will allow the applicant to sell off-sale distilled spirits.

01/08/2010

10:11

SFPD VICE CRIMES → B OF SUPERVISOR

NO.208

P03

**Letters of Protest:****No record****Letters of Support:****No record****Police Calls for Service:**

From July 8, 2009 to January 8, 2010

**No record****Police Reports:**

From September 8, 2009 to January 8, 2010

**No record****San Francisco Plot Information:**This premise is located in Plot **268****108** Police Reports were recorded for this plot in **2008**This plot is **113** Police Report(s) under the citywide average (plus 20%) of **221** Police Reports.**State Census Tract Information:**This premise is located in Census Tract **180**Population for this tract is: **2285**On-sale license authorized by census tract: **8**Active on-sale licenses: **29** with **2** pendingOff-sale licenses authorized by census tract: **3**Active off-sale licenses: **6** with **0** pending**District Station Recommendation:**Southern Police Station recommendation: *Approval w/conditions*

01/08/2010

10:11

SFPD VICE CRIMES → B OF SUPERVISOR

NO.208

P04

**Vice Crime Division Recommendation:**

Points of consideration:

**APPROVAL w/conditions** recommendation forwarded by Southern Police Station.

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

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

**No Record** letters of protest.

**No Record** letters of support.

Vice Crimes Division concurs with the **APPROVAL w/conditions** recommendation forwarded by Southern Police Station.

**Proposed Conditions:**

The sales, service and consumption of alcoholic shall be permitted between only between the hours of 10:00 a.m. to 8:00 a.m. daily.

No noise shall be audible beyond the area under the control of the licensee(s).

The sale of distilled spirits in 200 ml (corresponds to 1/2 pint) or similar sizes are strictly prohibited.

No person under the age of twenty-one (21 years of age) shall sell, furnish, or deliver alcoholic beverages.

The exterior of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the premises. Additionally, the position of such lighting shall not disturb the normal privacy and use of any neighboring residences.

The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.

Graffiti shall be removed from the premises and all parking lots under the control of the licensee within 72 hours of application. If the graffiti occurs on a Friday or weekend day, or on a holiday, the licensee shall remove the graffiti with 72 hours following the beginning of the next weekday.

end.

Census Tract 180, San Francisco County, California

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



2.8 miles across

Close

October 20, 2009

2009 NOV -3 PM 3:14

Clerk of the Board  
San Francisco Board of Supervisors  
2 Dr. Cariton B. Goodlett Place, Room 244  
San Francisco, CA 94102

Name	• Patrick Buscovich	415-760-0636
	• Angela Buscovich	
Business	• The Wine Club 953 Harrison San Francisco, CA	415-512-9086
Mailing	• Same	
License	• Current 20 – Beer & Wine 42 – Wine Tasting Bar Proposed 21 – Beer, Wine & Sprits 42 – Wine Tasting Bar	
Hour	• Monday 10 am to 7 pm Tuesday 10 am to 7 pm Wednesday 10 am to 7 pm Thursday 10 am to 7 pm Friday 10 am to 7 pm Saturday 10 am to 7 pm Sunday 11 am to 6 pm	
Public Convenience	•	

PURCHASED LICENSE FROM 5TH ST BETWEEN HARRISON & FOLSOM

The proposed license change will allow an existing “warehouse” style wine store, “The Wine Club”, (a take off of Price Club) to add spirits to the store. The business is owned by a husband/wife who are San Francisco residents (locally owned, small business). It is intended with this license change to add 400 different spirits to the existing 2000 plus wines in the store. We also have about 10 cult beers. To compete against Costco (successor to Price Club) and BEVMO, we need to add spirits. The store is located in an industrial section (service, light industry, repair) of the city. We are located on Harrison Street (next to the Freeway) at the corner of Oak Grove Alley between 5<sup>th</sup> and 6<sup>th</sup> street. Our immediate neighbors are an automotive transmission repair shop, a vacant store, a muffler shop, etc. There is one residential building across the street. These neighbors shop in our store. Most if not all of our customers drive to our building. Only a few customers walk to our shop. We don’t sell “problematic wine” so we don’t exacerbate a public nuisance. We intend to sell high end spirits, no ½ pints. We are losing customer to other warehouse stores that sell both wine and spirits. These stores are not owned or run by San Francisco residents with workers who live in San Francisco.

- We diversify the business’s in the neighborhood.
- Customer who shop here, also shop our neighboring business.
- We add security to our block
- We add to the sale tax receipts to the city
- We have outside security camera
- We have outside light
- We clean-Up the neighborhood around our business daily



Patrick Buscovich

November 3, 2009

Department of Alcoholic Beverage Control

State of California  
ARNOLD SCHWARZENEGGER, Governor

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

THE WINE CLUB

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

953 HARRISON ST., S.F. CA 94107

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 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

2285

6. TOTAL NUMBER OF LICENSES IN COUNTY

On-Sale  Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY

On-Sale  Off-Sale

8. CENSUS TRACT NUMBER

0180

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

3

On-Sale  Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

10

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

3x PUB

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

- Yes (Go to Item #13)
- No (Go to Item #20)

13. CRIME REPORTING DISTRICT NUMBER

260

14. TOTAL NUMBER OF REPORTING DISTRICTS

654

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

120,367

16. AVERAGE NO. OF OFFENSES PER DISTRICT

184

17. 120% OF AVERAGE NUMBER OF OFFENSES

221

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

191

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 25503.18(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



**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

11/2/09

**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):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

26. CITY/COUNTY OFFICIAL NAME

27. CITY/COUNTY OFFICIAL TITLE

28. CITY/COUNTY OFFICIAL PHONE NUMBER

29. CITY/COUNTY OFFICIAL SIGNATURE

30. DATE SIGNED

Received:  
11/25/09

### LIQUOR LICENSE REVIEW

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

File: 091322

Block/lot: 3760/127

Wing: SLI

Quad: SE

MVB # 0901189

TO: Inspector Dave Falzon  
Police Department  
Fax No: 970-3088

DATE: November 24, 2009

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This item is scheduled to be heard at a meeting on January 4, 2010. **PLEASE E-MAIL OR FAX YOUR RESPONSE BY: December 14, 2009** to Victor Young, Clerk of City Operations and Neighborhood Services Committee.  
**Fax No: 554-7714 or victor.young@sfgov.org**

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**Applicant Name:** Patrick and Angela Buscovich  
**and Business Name:** The Wine Club

**Applicant Address:** 953 Harrison Street  
**and Phone No.** 415-760-0636

**PLANNING COMMENTS:**  Approval  Denial

Existing Uses on site - type 42 Bar, type 20 Liquor Store  
Proposed Liquor License type 21 - Liquor Store.  
The proposed type 21 liquor license is permitted at the subject site as the continuation of the existing liquor store use located at 953 Harrison Street.

**POLICE COMMENTS:**  Approval  Denial