

File No. 210976

Committee Item No. 1

Board Item No. 13

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Comm: Public Safety & Neighborhood Services

Date: October 28, 2021

Board of Supervisors Meeting:

Date: November 9, 2021

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- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
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OTHER

- Police Department Response – October 21, 2021
- Planning Department Response – September 21, 2021
- Referral – September 21, 2021
- PC or N Request Letter – September 14, 2021
- _____

Prepared by: Alisa Somera

Date: October 22, 2021

Prepared by: Alisa Somera

Date: October 28, 2021

1 [Liquor License Transfer - 2539 Mission Street - Evergreen Market]

2

3 **Resolution determining that the transfer of a Type-21 off-sale general beer, wine,**
4 **and distilled spirits liquor license to Ish's Community Market, Corp., doing**
5 **business as Evergreen Market, located at 2539 Mission Street (District 9), will**
6 **serve the public convenience or necessity of the City and County of San**
7 **Francisco, in accordance with California Business and Professions Code, Section**
8 **23958.4; and requesting that the California Department of Alcoholic Beverage**
9 **Control impose conditions on the issuance of the license.**

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11 WHEREAS, Ish’s Community Market Corp., is seeking a Type-21 off-sale
12 general beer, wine, and distilled spirits liquor license to do business as Evergreen
13 Market, located at 2539 Mission Street (District 9); and

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

16 WHEREAS, The Police Department has filed zero protests and zero letters of
17 support with the Department of Alcoholic Beverage Control under California Business
18 and Professions Code, Section 24013, and recommends that the Department of
19 Alcoholic Beverage Control issue the liquor license with one condition; and

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

24 RESOLVED, That in accordance with California Business and Professions Code,
25 Section 23958.4, the Board of Supervisors of the City and County of San Francisco

1 hereby determines that a Type-21 off-sale general beer, wine, and distilled spirits liquor
2 license to Ish's Community Market Corp., doing business as Evergreen Market, located
3 at 2539 Mission Street (District 9), will serve the public convenience or necessity of the
4 City and County of San Francisco; and, be it

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

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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 Matt Haney

From: A/Lt. M. Sainez #139
Officer in Charge
ALU/Permits Unit 415-553-9550

Date: October 21, 2021

Subject: P.C.N. Investigation Regarding: Ish's Community Market Corp.
DBA: EVERGREEN MARKET
2539 Mission St.
San Francisco, CA. 94110-2511

Ish's Community Market Corp. has filed an application with the California Department of Alcoholic Beverage Control seeking a Type 21 (Off-Sale General) license to be located at 2539 Mission St. (located 21st St. and 22nd St.)

Hours of Operation:

8:00 a.m. to 12:00 a.m. each day of the week.

Digest:

Ish's Community Market Corp. (Evergreen Market) would like to operate a full-service Supermarket, located at 2539 Mission St. If approved, this license will allow them to sell Off-Beer, Wine and distilled spirits.

Letters of Protest

0

Letters of Support

0

Police Calls for Service:

From August 2020 to August 2021

0 calls for service

Police Reports:

From August 2020 to August 2021

0 police reports

San Francisco Plot Information:

This premise is located in Plot: **444**

A High Crime area is defined as **84** or more police reports in a plot for the year of **2020**.

This plot had **87** police reports for **2020**, which is **3 higher** than the **Citywide “High Crime”** average

State Census Tract Information:

This premise is located in Census Tract: **208.00**

Population for this tract is: **6,577**

On-sale license authorized by census tract: **22**

Active on-sale licenses: 43 with 0 pending

Off-sale licenses authorized by census tract: **5**

Active off-sale licenses: 9 with 0 pending

Departmental Recommendation:

Points of consideration: **0**

No opposition from **Mission Station**.

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

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

0 - Protest.

0 - Support

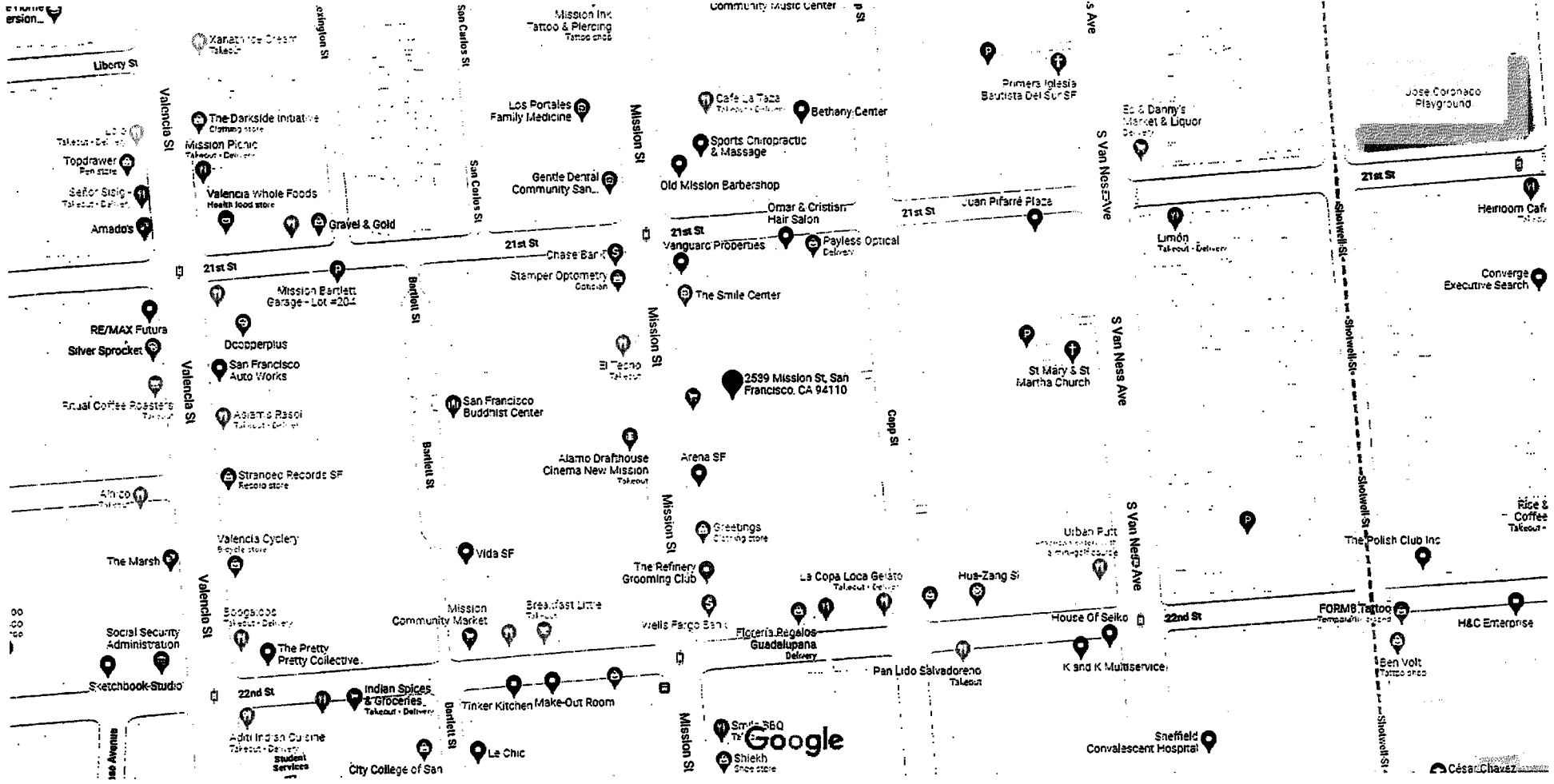
ALU Recommendation: **Approval with following conditions:**

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 ABC-253.

It should be noted that as of October 19, 2021 the applicant had agreed to the above listed recommended condition.

Google Maps 2539 Mission St



Map data ©2021 Google 100 ft

**LIQUOR LICENSE
PUBLIC CONVENIENCE OR
NECESSITY REFERRAL**

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

DATE: September 21, 2021

AP Block/Lot Nos.: 3615/024

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

Zoning: Mission Street NCT 65-B

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 2021.

PLEASE EMAIL YOUR RESPONSE BY October 1, 2021, to John Carroll, Public Safety and Neighborhood Services Committee Clerk.

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

Applicant name: ISH'S COMMUNITY MARKET CORP.

Business name: Evergreen Market

Application address: 2539 Mission Street
San Francisco, CA 94110

Applicant contact info: Ismael Ahmed
(510)575-1382
ismaelahmed740@gmail.com

PLANNING REVIEW: Approval Denial

Planning Staff Contact: Edgar Oropeza - edgar.oropeza@sfgov.org

Please print review comments on a trailing page.

POLICE REVIEW: Approval Denial

Please print review comments in a trailing report.

SF Planning Conditions placed on 2539 Mission Street – Ish’s Community Market

Edgar Oropeza, Planner III

Rich Sucre, Principal Planner SE quad

9/21/2021

(c) **Existing Liquor Establishments.** For purposes of this subsection, "liquor establishment" shall mean any establishment licensed by the State of California to sell alcoholic beverages except for those uses listed in subsection (b)(1)-(2) above. Any liquor establishment lawfully existing prior to the effective date of this Ordinance No. [180-13](#) and licensed by the State of California for the retail sale of alcoholic beverages, so long as otherwise lawful, is considered a nonconforming use pursuant to Section [180](#), and is subject to the restrictions of Sections [181](#) and [183](#) with the following exceptions:

(d) **Good Neighbor Policies.** The operating conditions established in Section [202.2](#) of this Code shall apply to all liquor establishments in this SUD in order to maintain the safety and cleanliness of the premises and vicinity. In addition, all new, relocated, or expanded liquor establishments, and any liquor establishment with a license referred for review to the Planning Department by the State of California Department of Alcohol Beverage Control, shall comply with the requirements set forth below. Liquor establishment shall have the meaning set forth in subsection (c) above.

(1) The liquor establishment shall provide outside lighting in a manner sufficient to illuminate street and sidewalk areas and any adjacent parking, as appropriate to maintain security, without disturbing area residences.

(2) No more than 33% of the square footage of the windows and clear doors of the liquor establishment shall bear advertising or signage of any sort, and all advertising and signage shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises from the exterior public sidewalk or entrance to the premises. This requirement shall not apply to premises where there are no windows, or where existing windows are located at a height that precludes a view of the interior of the premises to a person standing outside the premises. Street facing facades shall maintain at least 50% clear and visually-permeable glazing.

(c) For purposes of Planning Code Sections [249.5](#), [781.8](#), [781.9](#), [782](#), and [784](#), the retail uses explicitly exempted from this definition as set forth above shall only apply to General Grocery and Specialty Grocery stores that exceed 5,000 square feet in size and shall not:

(1) sell any malt beverage with an alcohol content greater than 5.7 percent by volume; any wine with an alcohol content of greater than 15 percent by volume, except for “dinner wines” that have been aged two years or more and maintained in a corked bottle; or any distilled spirits in container sizes smaller than 600 milliliters;

(2) devote more than 15 percent of the gross square footage of the establishment to the display and sale of alcoholic beverages; and

(3) sell single servings of beer in container sizes 24 ounces or smaller.

Ish's Community Market Corp.
2539 Mission St,
San Francisco, CA. 94110

9.14.2021

PUBLIC CONVENIENCE AND NECESSITY

To Clerk of the Board,

The purpose of this letter is to explain the operation of Evergreen Supermarket. to the Department of ABC, and to show Public Convenience and Necessity.

Although the premise is located in what the Department deems high crime and/or an over-concentrated area for alcohol establishments, we feel that our specialty Peruvian, Argentinean, and Brazilian Style Market qualifies for Public Convenience and Necessity, because of the following:

What will set us apart from all other off sale markets is that we sell authentic, Peruvian, Argentinean, and Brazilian style products imported from Peru, Brazil, and Argentina. We are a truly a Southern American Market. Some of our specialty products include, alfajores, aji amarillo, rocoto, imported yerba mate, as well as imported chorizos/meat and dulce de leche. These are just a couple of our essential products that differentiates us.

1. The premise is in the Mission St corridor in the City of San Francisco. The clientele will be drawn from residents, employees and customers of this residential-business friendly area of the Mission District and its offices. Recently, there has been a growing interest in imported spirits from these countries and we are trying our best to serve our community and give them what they request. We would like this supermarket to be a "one-stop shop" for our community and make it convenient and safe stop to do grocery shopping, especially during these unprecedented times.
2. There are no other Type 21 Authentic true Peruvian/Brazilian/Argentine Markets themed establishments in the area that will be offering our style of products.
3. I will be sending my employees to the "L.E.A.D." training, so my employees will serve my customers responsibly.

I am willing and able to meet anyone with The Department of ABC or the Board of Supervisors to address any concerns that they may have.

Sincerely,
Ismael Ahmed



Evergreen Market
2539 Mission St,
San Francisco, CA 94110

**LIQUOR LICENSE
PUBLIC CONVENIENCE OR
NECESSITY REFERRAL**

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