

File No. 160681 Committee Item No. 2  
Board Item No. 27

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

Committee: Public Safety and Neighborhood Services Date November 10, 2016

Board of Supervisors Meeting Date NOVEMBER 29, 2016  
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 checked="" type="checkbox"/> | <input checked="" 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 checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Application                                  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Public Correspondence                        |

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

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Response Planning Dept - 06/15/2016</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Response Police Dept - 11/02/2016</u>   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____                                      |
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Completed by: Erica Major Date November 3, 2016  
Completed by: JM Date 11/21/2016

1 [Liquor License Transfer - 10-4th Street]

2

3 **Resolution determining that the transfer of a Type 21 off-sale general license to**  
4 **Trader Joe's Company, dba Trader Joe's 225, located at 10-4<sup>th</sup> Street, Basement**  
5 **LVL (District 6), will serve the public convenience or necessity of the City and**  
6 **County of San Francisco, in accordance with California Business and**  
7 **Professions Code, Section 23958.4, and recommending that the California**  
8 **Department of Alcoholic Beverage Control impose conditions on the issuance of**  
9 **the license.**

10

11 WHEREAS, Trader Joe's Company is seeking the transfer of a Type 21 off-sale  
12 general license dba Trader Joe's 225 located at 10-4<sup>th</sup> Street, Basement LVL (District  
13 6); 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 two (2) protests with the  
17 Department of Alcoholic Beverage Control under California Business and Professions  
18 Code, Section 24013, and recommends that the Department of Alcoholic Beverage  
19 Control issue the liquor license with conditions; and

20 WHEREAS, The conditions recommended by the Police Department are the  
21 following: 1) No more than 5% of the square footage of the retail space of the premises  
22 will be used for the display of alcoholic beverages; 2) the sale of distilled spirits in sizes  
23 smaller than 200 ml is strictly prohibited; 3) no beer or malt beverages shall be sold in  
24 quantities of less than manufacturer pre-packaged six packs per sale with the exception  
25 of wine-coolers, beer coolers which must be sold in manufacturer pre-package multi-unit

1 quantities of four (4) or more; 4) no wine shall be sold with an alcoholic content of  
2 greater than 15% by volume except for "Dinner Wines" which have been aged two years  
3 or more and maintained in corked bottles; 5) wine shall not be sold in bottles or  
4 containers smaller than 750 ml; 6) loitering (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 as depicted on the ABC-257;  
7 and 7) sales and service of alcoholic beverages shall be permitted between the hours of  
8 8:00 a.m. to 10:00 p.m. daily; now, therefore, be it

9           RESOLVED, That in accordance with California Business and Professions Code,  
10 Section 23958.4, the Board of Supervisors of the City and County of San Francisco  
11 hereby determines for the foregoing reasons that the transfer of a Type 21 off-sale  
12 general license to Trader Joe's Company dba Trader Joe's 225 located at 10-4th Street,  
13 Basement LVL (District 6), will serve the public convenience or necessity of the City and  
14 County of San Francisco; and, be it

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

19  
20  
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22  
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25



San Francisco Police Department  
**ABC Liaison Unit**



Alcoholic Beverage License -  
*Public Convenience and  
Necessity Recommendation*

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

**Supervisor Jane Kim**  
**Supervisor John Avalos**  
**Supervisor David Campos**

**From:** Lieutenant Dave Falzon  
Officer in Charge  
ABC Liaison Unit (ALU) 415-837-7287

**Date:** November 2, 2016

**Subject:** P.C.N. Investigation Regarding: 10 4<sup>th</sup> St  
DBA: Trader Joes  
10 4<sup>th</sup> St  
(415) 713-8182

Peter Impala on behalf of Trader Joes, has filed an application with the California Department of Alcoholic Beverage Control seeking a Type 21 (Off Sale General Package store) License for 10 4<sup>th</sup> St (Located between Market and Mission Streets).

Hours of Operation:

8:00 am to 10:00pm

Daily

**Digest:**

Trader Joes would like to sell beer, wine and distilled spirits. If approved, this license will allow Trader Joes to sell off sale beer, wine and distilled spirits

**Letters of Protest:**

2

**Letters of Support:**

0

**Police Calls for Service:**

From May 2015 to May 2016

0 Calls for service

**Police Reports:**

From May 2015 to May 2016: 0

**San Francisco Plot Information:**

This premise is located in Plot **210**

A High Crime area is defined as **99** or more police incidents in a plot for the year of **2015**.

This plot had **1573** police incidents for **2015**, which is **1474** over 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: 76

Off-sale licenses authorized by census tract: **7**

Active off-sale licenses: 9

**Departmental Recommendation:**

Points of consideration: No consideration points

**Central Station has no opposition**

Applicant premise **is** located in a **“high crime”** area.

Applicant premise **is** located in an **“undue concentration”** area.

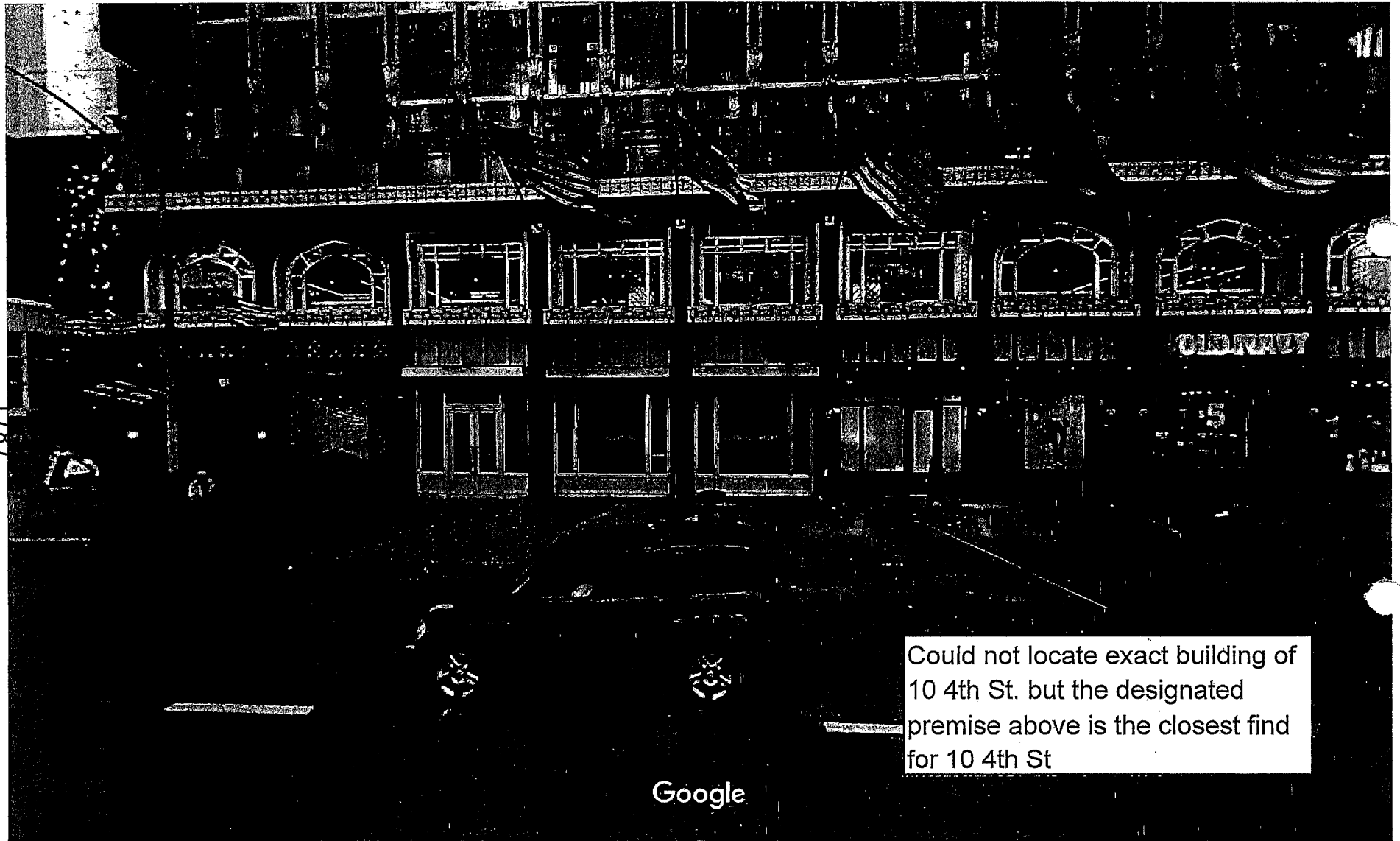
2 - Record of protest.

0 - Record of support.

ALU Recommendation: Approval with the following conditions:

- 1) No more than 5% of the square footage of the retail space of the premises will be used for the display of alcoholic beverages.
- 2) The sale of distilled spirits in sizes smaller than 200 ml is strictly prohibited.
- 3) No beer or malt beverages shall be sold in quantities of less than manufacturer pre-packaged six packs per sale with the exception of wine-coolers, beer coolers which must be sold in manufacturer pre-packaged multi-unit quantities of four (4) or more.
- 4) No wine shall be sold with an alcoholic content of greater than 15% by volume except for “Dinner Wines” which have been aged two years or more and maintained in corked bottles
- 5) Wine shall not be sold in bottles or containers smaller than 750 ml.
- 6) Loitering (loitering is defined as “to stand idly about; linger aimlessly without lawful business”) is prohibited on any sidewalks or property adjacent to the licensed premises under the control of the licensee as depicted on the ABC-257, dated \_\_\_\_\_.
- 7) Sales and service of alcoholic beverages shall be permitted between the hours of 8:00 a.m. to 10:00 p.m. daily.

It should be noted that the applicant has agreed with the above listed recommended conditions.



Could not locate exact building of  
10 4th St. but the designated  
premise above is the closest find  
for 10 4th St

Google

# Google Maps 10 4th St



10 4th St  
San Francisco, CA 94103







# LIQUOR LICENSE REVIEW

**TO:** Planning Department  
AnMarie Rodgers/CTYPLN/SFGOV  
Georgia Powell/CTYPLN/SFGOV@sfgov  
Fax No.: (415) 558-6409

**File:** 160681

*Block/Lot: 37052/004*

**TO:** Police Department  
Inspector Nelly Gordon  
Phone: (415) 837-7273

*Zoning: C-3-R*

*Quad: NE*

**DATE:** June 13, 2016

*Record # 2016-007754MIS*

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This item is tentatively scheduled to be heard in four to six weeks.  
**PLEASE EMAIL YOUR RESPONSE BY:** July 27, 2016, to Erica Major, Public Safety and Neighborhood Services Committee Clerk.  
**Erica.Major@sfgov.org - Fax No: 554-7771**

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**Applicant Name:** Trader Joe's Company  
**and Business Name:** (10-4th Street)  
**Applicant Address:** 10-4th Street  
San Francisco, CA 94103  
**and Phone No.** (415) 713-8182

**PLANNING COMMENTS:**  Approval  Denial

*ABC LICENSE TYPE 21 IS PERMITTED IN CONJUNCTION WITH GENERAL & SPECIALTY GROCERY USE, CLASSIFIED AS RETAIL SALES AND SERVICE USE IN THE C-3-R ZONING DISTRICT. (210.2)*

**POLICE COMMENTS:**  Approval  Denial

*Car [Signature] C. Gordon 6-15-16*

# ART RODRIGUEZ & Associates

709 E. Colorado Boulevard, Suite 200, Pasadena, CA 91101

## VIA UPS

June 9, 2016

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

Clerk Angela Calvillo:

Trader Joe's seeks to operate under a Type-21 ABC license obtained via a transfer from Hana Mohammed Abbushi and Mohammed Subhi Abbushi to Trader Joe's Company. The license was previously located at 454 Capitol Ave., San Francisco, CA 94112, and will now be transferred to 10 4<sup>th</sup> Ave., Basement LVL, San Francisco, CA 94103.

This Trader Joe's Company is to be located within a busy South of Market neighborhood of downtown San Francisco, at the basement level of the structure on the southwest corner of 4<sup>th</sup> Street and Market St. The establishment will provide nearby residents with a variety of goods including fresh meat and produce, and specialty food items. Trader Joe's takes great pride in providing for its shoppers and neighbors a safe convenient option for affordable yet high quality food items as well as alcoholic and non-alcoholic beverages. The company looks to continue in this role in their new San Francisco location. Allowing the sale of a full line of alcoholic beverages will enable Trader Joe's to compete with local businesses, while providing customers with an enhanced shopping experience. The hours of operation are to be 8:00am – 10:00pm daily.

While there are nine other alcohol-serving establishments operating within the vicinity, the area is very densely populated, and thus able to support a multitude of retail businesses. Trader Joe's Company is very experienced in serving alcohol in many of their stores nationwide, and they are well-versed in how to do so in a manner that best serves the community while minimizing nuisances and crime. The applicant will ensure alcohol sales are conducted in a safe and secure manner. Trader Joe's employees will oversee the premises to prevent loitering and any instances of drinking in public or over-intoxication. Any and all incidents or infractions will be immediately reported to local law enforcement.

Approval of this PCN request will provide nearby residents, visitors, and workers with a convenient location to purchase high-quality food items as well as alcoholic and non-alcoholic beverages. Further, Trader the addition of a popular and well-known market like Trader Joe's will increase the population around this area, increasing eyes on the streets and public safety. It is prudent that the City of San Francisco use this opportunity to create a safer, and more secure living environment for local residents.

RECEIVED  
CITY OF SAN FRANCISCO  
2016 JUN 13 AM 10:39  
11

[www.aralicense.com](http://www.aralicense.com)

800-553-7272 • 626-683-9777

1790

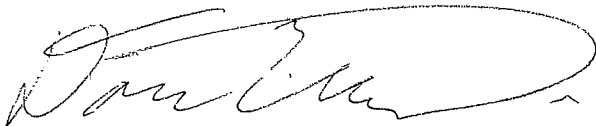
16269

Approval of this application meets the Department's consensus for Public Convenience and Necessity because it allows for the sale of alcohol to be conducted in a regulated manner. The client is willing to take this next step in building a productive relationship with both the city and local residents.

The ABC posting for this location was posted on May 18<sup>th</sup>, 2016. The mailers of notice to all residents within 500 feet, as per ABC requirements, were sent out on May 19<sup>th</sup>, 2016.

Enclosed please find ABC-245 form. Trader Joe's will comply with any and all requests of SFPD, and any other applicable San Francisco City or County requirements. Thank you, and I hope to hear from you soon.

Sincerely,

A handwritten signature in black ink, appearing to read "David Weissglass", written in a cursive style.

David Weissglass  
Associate Planner  
Art Rodriguez & Associates  
(626) 683-9777  
david@aralicensures.com

**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

Trader Joes Company

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

10 4th St., Basement LVL., 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 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

845,602

6 TOTAL NUMBER OF LICENSES IN COUNTY

1060

On-Sale  Off-Sale

7 RATIO OF LICENSES TO POPULATION IN COUNTY

On-Sale  Off-Sale

8 CENSUS TRACT NUMBER

176.01

9 NO. OF LICENSES ALLOWED IN CENSUS TRACT

7

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

210

14 TOTAL NUMBER OF REPORTING DISTRICTS

653

15 TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

53,160

16 AVERAGE NO. OF OFFENSES PER DISTRICT

81

17 120% OF AVERAGE NUMBER OF OFFENSES

97

18 TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

1292

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)

## LIQUOR LICENSE REVIEW

**TO:** Planning Department **File:** 160681  
AnMarie Rodgers/CTYPLN/SFGOV  
Georgia Powell/CTYPLN/SFGOV@SFGOV  
Fax No.: (415) 558-6409

**TO:** Police Department  
Inspector Nelly Gordon  
Phone: (415) 837-7273

**DATE:** June 13, 2016

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**PLEASE EMAIL YOUR RESPONSE BY:** July 27, 2016, to Erica Major, Public  
Safety and Neighborhood Services Committee Clerk.  
**Erica.Major@sfgov.org - Fax No: 554-7771**

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**and Business Name:** (10-4th Street)  
**Applicant Address:** 10-4th Street  
San Francisco, CA 94103  
**and Phone No.** (415) 713-8182

**PLANNING COMMENTS:**  Approval  Denial

**POLICE COMMENTS:**  Approval  Denial

1/10/16

Public Safety and Neighborhood Services Committee  
1/10/16 Item 2  
Trader Joes 10-4th Street Type 21 off-sale

The protestants are not in favor of the Applicant **Trader Joes** for the following reasons:

Did not provide the community with much of a presentation

No Follow-up with protesters or communication

We insist on No Hard Liquor being offered at this location.

We have not seen any security plan

No floor plans

We are assuming the bus stop will double for a loading zone

Entrance not clearly established as noted in the packet provided

Our ABC protests Applications were not included in the packet

The Tenderloin Police Station failed to communicate with us over our concerns even though we provided them a copies of our protests.

So, we respectfully submit copies of our ABC Protest Against License Application for the committee consideration.

Would like to remind the committee members that Bristol Farms failed to receive approval from the City for their Type 21 liquor license. And Target at 4th and Mission Streets failed to get a Type 21 instead received a Type 20 (just beer and wine), and Walgreen's on Powell Street also received restrictions on their Type 21 liquor license all based on community concerns.

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

3927 Lennane Drive, Suite 100, Sacramento, CA 95834  
www.abc.ca.gov



NOTICE

September 12, 2016

MICHAEL NULTY  
PO BOX 420846  
SAN FRANCISCO, CALIFORNIA 94142

TRADER JOES COMPANY  
TRADER JOES 225  
10 4TH ST  
BASEMENT LVL  
SAN FRANCISCO, CA 94103  
File: 21-569300

Your protest has been received and accepted. A copy has been sent to the applicant.

If the applicant withdraws the application for licensure or if Department denies issuance of the license and the applicant does not request a hearing, you will receive no further notice from the Department.

If the application for licensure is recommended for approval, you will be contacted to see if you wish to request a protest hearing.

If the Department denies issuance of the license, and the applicant requests a hearing, the protest hearing will be held at the same time. You will be notified of the date, time and place of the hearing. You will be expected to attend the hearing and to testify regarding your protest. If you are unable to attend the hearing, you may appoint someone of your choice to represent you at the hearing. Failure to do so will result in the dismissal of your protest by the Administrative Law Judge. If you cannot or choose not to attend the hearing, please notify the District Office, below.

Please contact the San Francisco District Office at (415) 356-6500 if you have any questions.

dd

Copy:  San Francisco District office  
 Applicant(s) with Enclosure  
 Representative(s) with Enclosure

PROTEST AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION

- Refer to Form ABC-510, Information Regarding ABC License Application and Protests (Rev. April 2010), before completing and submitting your protest. The ABC-510 is located at www.abc.ca.gov and in each district office.
- Please print legibly or type. Incomplete and/or illegible information will cause the protest to be rejected.
- You will be notified by letter whether or not your protest is accepted.
- If the Department recommends licensure, you will be afforded the opportunity to request a hearing on your protest.
- If a hearing is scheduled as to whether or not a license should be granted, you or your authorized representative will need to attend the hearing to testify and/or present evidence to support your protest, or your protest will be deemed abandoned.
- All protests submitted to the ABC are public records and are open to inspection pursuant to the California Public Records Act (CPRA). (Gov. Code sec. 6254 et seq.)
- A copy of all valid and verified protests (ABC-510-A) and Protestants/Complainant's Declaration (ABC-128) will be provided to the applicant as part of the licensing process.

I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

Trader Joes Company

(Name(s) of Applicant(s))

For premises at:

10 4th Street, Basement Level, San Francisco, CA 94103

(Exact address of proposed premises)

on the grounds that:

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JUN 02 2016

Dept of Alcoholic Beverage Control San Francisco

Check here if additional sheets attached

I, Michael Nulty

PRINT (Name of Protester)

, declare under penalty of perjury:

- (1) That I am the Protester herein;
- (2) That I have read the above protest and know the contents thereof; and
- (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

Michael Nulty

PROTESTANT'S SIGNATURE

TELEPHONE NUMBER (Optional & non-public)

San Francisco, CA

SIGNED AT (City and State)

DATE SIGNED

P.O. Box 420886, San Francisco, CA 94142

PROTESTANT'S ADDRESS (Full address - Street name & number, Unit or Apt. No., City, State, & Zip Code)

6/1/16

ABC-510-A (Rev. April 2010)

RECEIVED

JUN 09 2016

Alcoholic Beverage Control

Department of Alcoholic Beverage Control

Handwritten initials



**Protest Against Alcoholic Beverage License Application (Page 2)**

**Applicant: Trader Joes Company Doing Business As: Trader Joes 225  
Applicant Address: 10 4<sup>th</sup> Street, Basement Level, San Francisco, CA 94103**

**Protestant: Michael Nulty, P.O. Box 420846, San Francisco, CA 94142-0846**

After surveying the area around the proposed Trader Joes store location and talking with both security, nearby residents and merchants about the effects a large chain store would have in retailing any forms of liquor to the public in the manner of a off-sale license.

Nearby merchants express the lower price point the a large retailer can sell their liquor at which would take away customers of already existing smaller established community serving stores. Local residents have the same concerns that a retailer such as Trader Joes can offer lower priced liquor which nearby already established licensed stores would have a hard time competing against. There is a strong support of local retailers to stay in business and to maintain their existing stores and customer base. We do not want to see more smaller stores closing because of their lose of revenue.

The main concern residents and security have is enforcing and protecting the already established San Francisco Park Code for nearby Yerba Buena Gardens and BART Station. This code specially mentions smoking and alcoholic beverages which are intended to be sold by Trader Joes. Additional concerns by security is the drain on public resources in dealing with shoplifters. The San Francisco Police Department continues to shrink in the number of officers. And San Francisco continues to increase in population bringing more security tasks to perform with fewer police officers.

The next concern is Yerba Buena Gardens itself. Open Space with the following consideration points Ice Skating Center, Play Circle, Bowling Center, Child Development Center, and Carousel; several adjacent parking garages and facilities; and St. Patrick's Church. Include student aged College Campuses other educational programs, MUNI & BART Station access.

Issuance of the license to the premises would add an undue concentration of licenses; licensing the premises aggravates an already existing police problems in a high-crime area; and the premises is within 500 feet of open space.

I do not know what the security plan for the new store is nor do I know which exits will be used by the public.

Because of the above concerns the following conditions must be applied.

Employees of the establishment shall walk a 100 feet radius from the premises sometime between 30 minutes after closing time and 8AM the following morning and shall pick up and dispose of any discarded beverage containers and other trash left by patrons.

The establishment shall provide outside lighting in a manner sufficient to illuminate street and adjacent sidewalk areas and parking as appropriate to maintain security.

No alcoholic beverages shall be consumed on any outdoor property adjacent to the establishment.

No person under the age of 21 shall sell or package alcoholic beverages.

Employees of the establishment shall regularly police the area under the control of the establishment in an effort to prevent the loitering of persons about the premises.

The establishment shall promptly remove any graffiti from the exterior of the premises.

Sales of Alcohol only permitted between the hours of 8AM to 10PM 7 days a week.

No fortified wines or hard liquor can be sold.

No malt liquor bottles or cans.

Sell single containers of alcoholic beverage in clear plastic carry-out bags.

Beer & Wine must be sold in manufactured pre-packed multi-unit quantities only.

**RECEIVED**

**JUN 09 2016**

**Alcoholic Beverage Control  
Office of Legal Services**

*Michael Nulty*

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

3927 Lennane Drive, Suite 100, Sacramento, CA 95834  
www.abc.ca.gov



NOTICE

September 12, 2016

MARVIS PHILLIPS  
230 EDDY STREET #1206  
SAN FRANCISCO, CALIFORNIA 94102

TRADER JOES COMPANY  
TRADER JOES 225  
10 4TH ST  
BASEMENT LVL  
SAN FRANCISCO, CA 94103  
File: 21-569300

Your protest has been received and accepted. A copy has been sent to the applicant.

If the applicant withdraws the application for licensure or if Department denies issuance of the license and the applicant does not request a hearing, you will receive no further notice from the Department.

If the application for licensure is recommended for approval, you will be contacted to see if you wish to request a protest hearing.

If the Department denies issuance of the license, and the applicant requests a hearing, the protest hearing will be held at the same time. You will be notified of the date, time and place of the hearing. You will be expected to attend the hearing and to testify regarding your protest. If you are unable to attend the hearing, you may appoint someone of your choice to represent you at the hearing. Failure to do so will result in the dismissal of your protest by the Administrative Law Judge. If you cannot or choose not to attend the hearing, please notify the District Office, below.

Please contact the San Francisco District Office at (415) 356-6500 if you have any questions.

dd

- Copy:  San Francisco District office
- Applicant(s) with Enclosure
- Representative(s) with Enclosure

SS

Department of Alcoholic Beverage Control  
PROTEST AGAINST ALCOHOLIC  
BEVERAGE LICENSE APPLICATION

State of California

- Please refer to Form ABC-510, Instructions for Protesting an Alcoholic Beverage License Application, before completing and submitting your protest. The ABC-510 can be found at [www.abc.ca.gov](http://www.abc.ca.gov).
- Please print legibly or type. Incomplete and/or illegible information will cause the protest to be rejected.
- You will be notified by letter regarding a hearing on your protest. You will need to attend the hearing to testify and/or present evidence to support your protest.
- A copy of your valid protest, including your name and address, will be provided to the applicant as a public record and a right of discovery for a protest hearing.

I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

TRADER JOES COMPANY DBA TRADER JOES 225  
(Name(s) of Applicant(s))

For premises at:

10 4th ST Basement Level SAN FRANCISCO, CA 94103  
(Exact address of proposed premises)

on the grounds that:

- 1) Undue concentration Business & Professional Code Section 23958.4
- 2) High crime Business & Professional Code Section 23958.4 (c)
- 3) Definition of High of high crime Business & Professional Code Section 23958.4 (c) (1)

Conditions For Approval

- A) Hours 9AM to ~~11PM~~ - 7 Days a Week. **CLOSE 10pm 7day's A week**
- B) No 32 oz. or 40 oz. bottles sold.
- C) No single shot spirits sold.
- D) No single 12 oz., 16 oz. cans or 12 oz. bottles sold.
- E) No malt liquor, no fortified wines sold.
- F) ~~No spirits less than 500ml sold.~~
- G) A San Francisco Health Code Section 1009 No Smoking sign shall be posted on door.
- H) A No loitering sign shall be posted on door.

- I. **HAVE UNIFORM SECURITY AT BART STATION ENTRANCE**
- J. **ALL HOURS OF OPEN OPERATION**
- K. **NO HARD LIQUOR ALLOWED**
- L. **Beer & wine in locked displays (to avoid theft)**

RECEIVED  
MAY 23 2016  
Dept of Alcoholic Beverage Control  
SAN FRANCISCO

RECEIVED

Check here if additional sheets attached

I, Marvis J. Phillips, MAY 31 2016, declare under penalty of perjury:

Alcoholic Beverage Control  
Office of Legal Services

(1) That I am the protestant herein; (2) That I have read the above protest and know the contents thereof; and (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE <u>Marvis J Phillips</u>	PROTESTANT'S TELEPHONE NUMBER (Optional) [REDACTED]
SIGNED AT (City and state) <u>SAN FRANCISCO, CALIFORNIA</u>	DATE SIGNED <u>17 MAY 2016</u>
PROTESTANT'S ADDRESS (Street number and name, city, state, zip code) <u>230 E DUY ST #1206 SAN FRANCISCO, CA 94102-6526</u>	

ABC-510-A (07/08) cc: TENDERLOIN STATION PERMIT OFFICER  
cc: S.F.P.D ALCOHOL LIAISON UNIT  
cc: DISTANCE FOR A BETTER DIST. 6 PUBLIC SAFETY CLAIM

