

File No. 121140

Committee Item No. 4

Board Item No. 28

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Neighborhood Services and Safety Date 3/7/13

Board of Supervisors Meeting Date 3/19/13

Cmte Board

- | | | |
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| <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"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <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 type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

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Completed by: Andrea Ausberry Date 2/28/13
 Completed by: Derek Evans Date 3/13/13

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

1 [Liquor License Transfer - 2001 Market Street]

2
3 **Resolution determining that the transfer of a Type 20 off-sale beer and wine**
4 **license from 1169 Market Street to 2001 Market Street (District 8), to Whole Foods**
5 **Market California, Inc., for the Whole Foods Market, will serve the public**
6 **convenience and necessity of the City and County of San Francisco, in**
7 **accordance with California Business and Professions Code, Section 23958.4, and**
8 **recommending that the California Department of Alcoholic Beverage Control**
9 **impose conditions on the issuance of the license.**

10
11 WHEREAS, Whole Foods Market California, Inc., is seeking the transfer of a
12 Type 20 off-sale beer and wine license from 1169 Market Street to 2001 Market Street
13 for the Whole Foods Market; 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 (0) protests and zero (0)
17 letters of support with the Department of Alcoholic Beverage Control under California
18 Business and Professions Code, Section 24013; and recommends that the Department
19 of Alcoholic Beverage Control issue the liquor license with conditions; and

20 WHEREAS, The conditions recommended by the Police Department are the
21 following: 1) Sales of alcoholic beverages shall be permitted between the hours of 8:00
22 a.m. and 10:00 p.m. each day of the week; 2) No more than 5% of the square footage
23 of the premises will be used for the display of alcoholic beverages; 3) No wine coolers
24 or beer coolers shall be sold in quantities less than manufacturers pre-packaged multi-
25 unit quantities of four (4) or more; and 4) Loitering (defined as "to stand idly about;

1 linger aimlessly without lawful business”) is prohibited on any sidewalks or property
2 adjacent to the licensed premises under the control of the licensee(s) as depicted on the
3 ABC-257 dated 11-12-12; now, therefore, be it

4 RESOLVED, That in accordance with California Business and Professions Code,
5 Section 23958.4, the Board of Supervisors of the City and County of San Francisco
6 hereby determines for the foregoing reasons that the transfer of a Type 20 off-sale beer
7 and wine license from 1169 Market Street to 2001 Market Street, for the Whole Foods
8 Market, will serve the public convenience or necessity of the City and County of San
9 Francisco; and, be it

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



San Francisco Police Department
ABC Liaison Unit



Alcoholic Beverage License -
*Public Convenience and
Necessity Recommendation*

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

Supervisor David Campos
Supervisor Eric Mar
Supervisor Norman Yee

From: Inspector Nelly Gordon *NSG*
ABC Liaison Unit (ALU) 553-1049

Date: February 15, 2013

Subject: P.C.N. Investigation Regarding:
DBA: Whole Foods Market
2001 Market Street
Jay McPherson
800/400-1353

Whole Foods Market California, Inc. has filed an application with the California Department of Alcoholic Beverage Control (ABC) seeking a Type 20 (Off-Sale Beer and Wine) and Type 86 (Instructional Tasting) license for 2001 Market street (located on the east side of Market street).

It should be noted that during the application process, notification date for the 500' mailer was on November 27, 2012. The Notice to the Public was posted on October 17, 2012.

For the purposes of this hearing, the California Department of Alcoholic Beverage Control (ABC) seeks a determination from the Board of Supervisors as to the approval or denial of this license.

Police Calls for Service: From July 2011 to July 2012

21 Police calls

Police Reports: From July 2011 to July 2012

5

San Francisco Plot Information:

This premise is located in Plot 403

The High Crime area is defined as 215 or more police reports in a plot.

This plot had 428 police incidents recorded for 2011.

Applicant premises is located in a "High Crime" area.

State Census Tract Information:

This premise is located in Census Tract 0203.00

Population for this tract is: 3,034

On-sale license authorized by census tract: 10

Active on-sale licenses: 29

Off-sale licenses authorized by census tract: 3

Active off-sale licenses: 6

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

Letters of Protest:

0 recorded with the California Department of Alcoholic Beverage Control, (ABC).

Letters of Support:

0 recorded with the California Department of Alcoholic Beverage Control, (ABC).

Departmental Recommendation:

No opposition from **Mission Police Station**


ALU recommends approval. The following conditions have been recommended to the California Department of Alcoholic Beverage Control, (ABC):

1. Sales of alcoholic beverages shall be permitted between the hours of 8:00 a.m. and 10:00 p.m. each day of the week.
2. No more than 5% of the square footage of the premises will be used for the display of alcoholic beverages.

3. No wine coolers or beer coolers shall be sold in quantities less than manufacturers pre-packaged multi-unit quantities of four (4) or more.
4. 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(s) as depicted on the ABC-257 dated 11-12-12.

Note: On 2/19/2013 Jay Mcpherson was contacted on behalf of the applicant who agrees with recommended conditions.

Thank you

export To  **New!**Records **1** through **8** of **8**

Call No	Report No	Received Date	Received Time	Priority	Call Type	Unit ID	Disposition	Location
<u>123273939</u>	120947255	11/22/2012	23:22:56	B	852	3D2E	REP	2001 MARKET ST
<u>123260127</u>		11/21/2012	01:16:08	C	800	3D11E	HAN	2001 MARKET ST
<u>123203015</u>		11/15/2012	20:10:43	C	415		CANC	2001 MARKET ST
<u>122921244</u>	120839044	10/18/2012	11:27:29	C	595	3D11A	REP	2001 MARKET ST
<u>122850397</u>		10/11/2012	06:41:26	C	415	3D11A	HAN	2027 MARKET ST
<u>122500335</u>		09/06/2012	04:10:22	C	588	3P10A	GOA	2001 MARKET ST
<u>122430287</u>		08/30/2012	03:08:07	C	415	3D11E	HAN	2001 MARKET ST
<u>122170541</u>		08/04/2012	04:53:12	C	915	3D71	ADV	2001 MARKET ST

End of document

[export To](#)  **New!**Records **1** through **4** of **4**

Call No	Report No	Received Date	Received Time	Priority	Call Type	Unit ID	Disposition	Location
120482658		02/17/2012	18:05:58	A	418	3D16D	ABA	2001 MARKET ST
120300606	120082635	01/30/2012	08:19:25	A	459	3D11A	HAN	2001 MARKET ST
120172131	120046954	01/17/2012	16:51:14	C	594	3D11D	REP	2001 MARKET ST
120031905		01/03/2012	14:23:35	C	917	3D41C	GOA	2001 MARKET ST

End of document


export To  **New!**

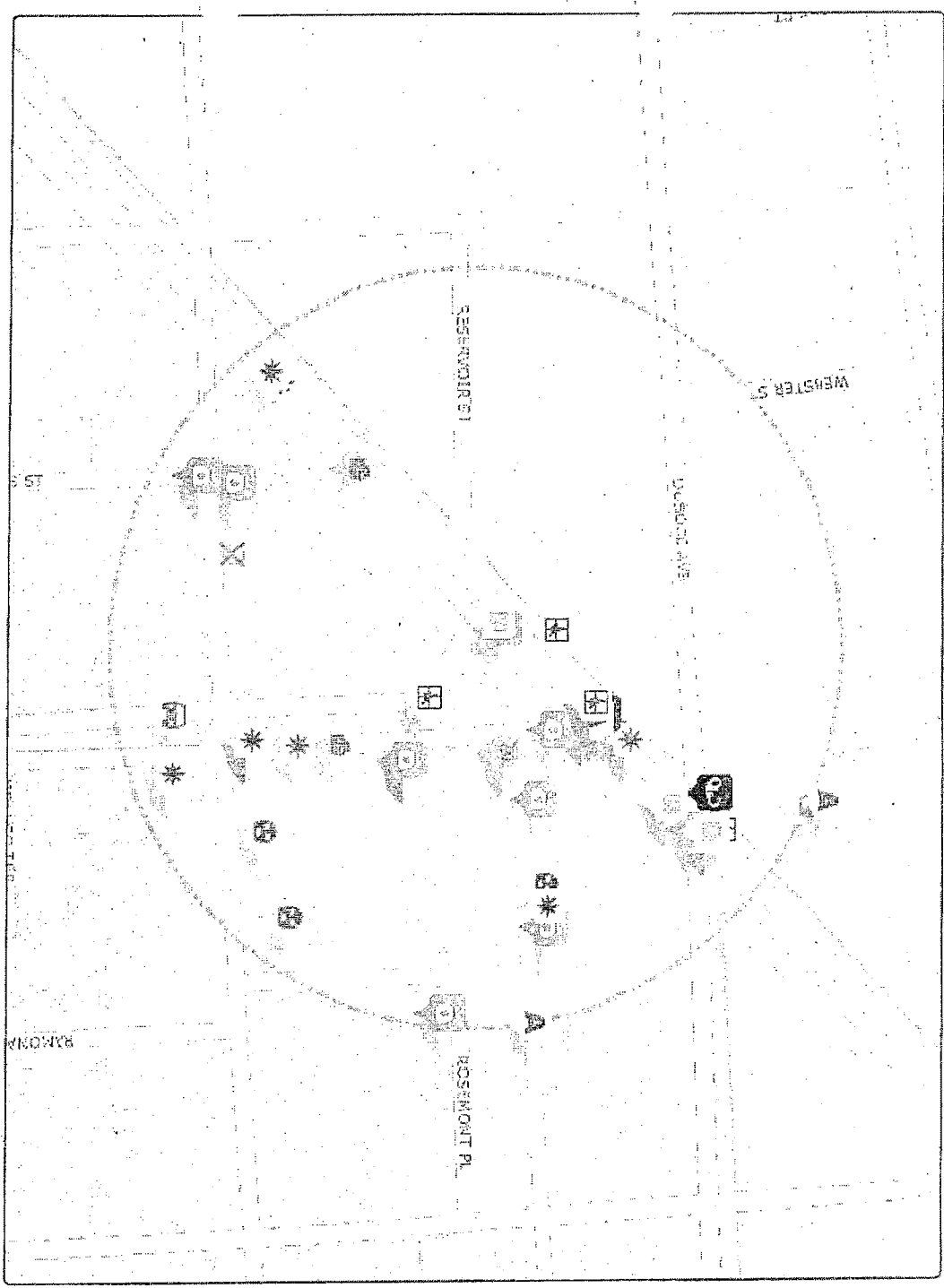
Records 1 through 9 of 9

Call No	Report No	Received Date	Received Time	Priority	Call Type	Unit ID	Disposition	Location
<u>113551699</u>		12/21/2011	14:23:43	C	418	3D13A	HAN	2001 MARKET ST
<u>113441077</u>		12/10/2011	10:47:49	B	601		CANC	2001 MARKET ST
<u>113202525</u>		11/16/2011	17:25:34	B	910	3D11D	HAN	2001 MARKET ST
<u>113000674</u>		10/27/2011	09:18:45	B	519	3D1A	ADV	2001 MARKET ST
<u>112931835</u>		10/20/2011	14:33:23	C	917	3D102	GOA	2001 MARKET ST
<u>112881483</u>	110831680	10/15/2011	11:25:16	C	917	3D	REP	2001 MARKET ST
<u>112461129</u>		09/03/2011	10:50:49	C	917	3D1A	ADV	2001 MARKET ST
<u>112271122</u>		08/15/2011	11:20:07	C	917	3D13A	CIT	2001 MARKET ST
<u>112261605</u>		08/14/2011	12:49:33	C	919	3D41C	HAN	2001 MARKET ST

End of document

2001 Market Street 20,86-527877
 11/29/2011-11/28/2012 500 Ft.

San Francisco Police Department 



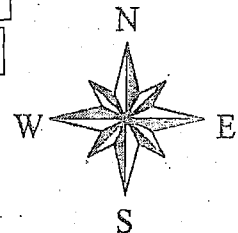
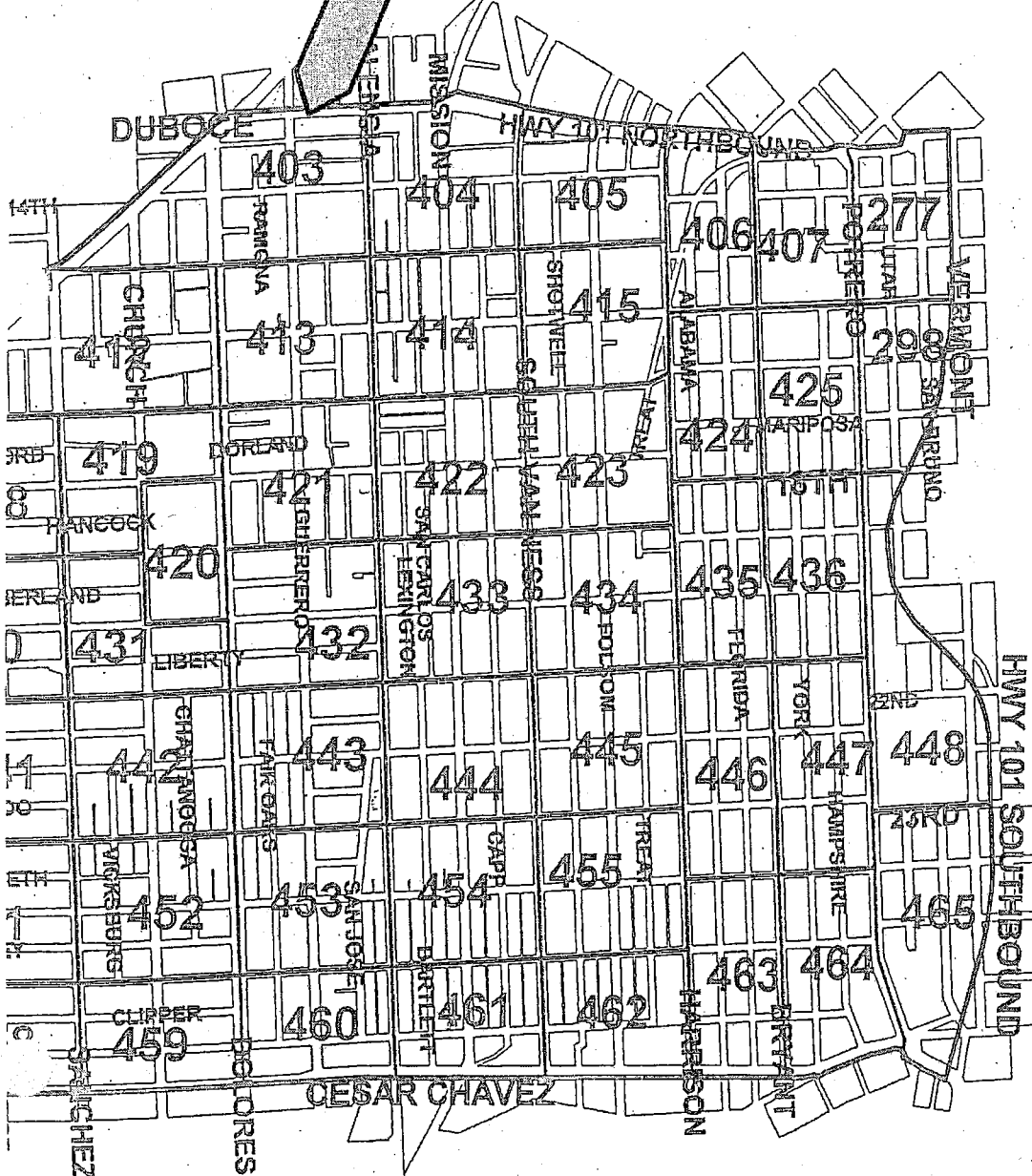
Map Legend	
	Incidents (453)
	Larceny/Theft (156)
	Warrants (43)
	Other Offenses (38)
	Warrants (37)
	Non-Criminal (33)
	Drug/Narcotic (30)
	Burglary (27)
	Assault (26)
	Vandalism (18)
	Robbery (9)
	Fraud (6)
	Forgery/Counterfeiting (5)
	Vehicle Theft (5)
	Missing Person (4)
	Weapon Laws (4)
	Trespassing (4)
	Secondary Codes (2)
	Suspicious Occurrence (2)
	Extortion (1)
	Bribery (1)
	Drunkenness (1)
	D.U.I. (1)

All representations on this map are distributed and transmitted "AS-IS" without warranties of any kind, either expressed or implied including without limitation, warranties of title or implied warranties of merchantability or fitness for a particular purpose. In no event shall San Francisco Police Department become liable to users of these data for any loss or damages, consequential or otherwise, including but not limited to time, money, goodwill, arising from the use, operation or modification of the data. The visual presentation of data is being provided strictly as a courtesy, not as an obligation to its users.

WARNING: This map does not meet the national map accuracy standards.

MISSION DISTRICT


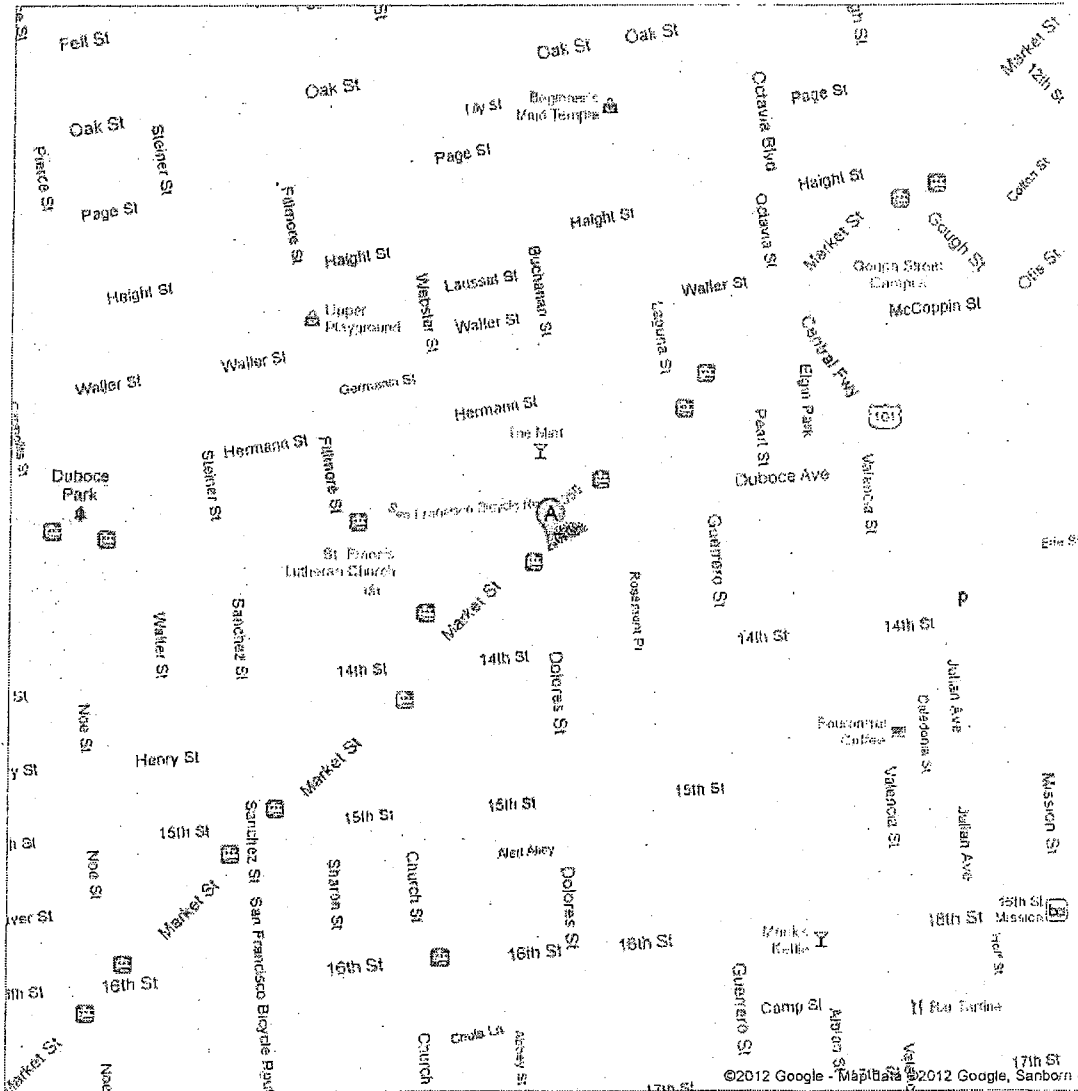
ing Plots Major Streets





Address 2001 Market St
San Francisco, CA 94114

Get Google Maps on your phone
Text the word "GMAPS" to 466453

Google

Address Dolores Street

Address is approximate



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SAN FRANCISCO PLANNING DEPARTMENT

2001 Market Street - Whole Foods Market (MB1202091)

BoS Liquor License Review

Planning Dept Zoning Referral Recommendation

Recommend approval of Type 20 License principally permitted with a retail grocery store (790.102a) within the accessory use limits of P.C. Sec. 703.2(b)(1)(C)(vi) at a Formula Retail grocery store authorized per Case No. 2008.0550C, Motion No. 18246, approved 12/16/10, with conditions of approval recorded as NSR No. J127558.

Recommend approval of Type 86 License permitted as an accessory use within a grocery store exceeding 5,000 sq ft and is subject to all conditions of the above referenced Conditional Use authorization, the accessory use regulations of 703.2(b)(1)(C), as well as the limitations of the Zoning Administrator Interpretation of 790.22 dated 8/05.



Angie Huisman
Planner Technician
(415) 575-9021



Date

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

GC: Document3

LIQUOR LICENSE REVIEW

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

File: 121140

TO: Police Department
Inspector Kenneth Stocker
Fax No.: 553-1463

*Block/Lot: 3535/001, 041
Zoning: NCT-3
Quad: SW
MS # 1202091*

DATE: December 5, 2012

This item is tentatively scheduled to be heard in four to six weeks.
PLEASE EMAIL YOUR RESPONSE BY: January 16, 2012, to Derek Evans,
Clerk, City Operations and Neighborhood Services Committee.

Derek.Evans@sfgov.org - Fax No: 554-7714

Applicant Name: Whole Foods Market California, Inc.
and Business Name: Whole Foods Market (2001 Market Street)

Applicant Address: 2001 Market Street
San Francisco, CA 94114
and Phone No. (800) 400-1353

PLANNING COMMENTS: Approval Denial

see attached

POLICE COMMENTS: Approval Denial



naturally grown
since 1980

November 9, 2012

Ms. Angela Calvillo
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

Re: Public Convenience and Necessity
Whole Foods Market California, Inc.
2001 Market Street, San Francisco, CA 94114

Dear Ms. Calvillo:

Whole Foods Market California, Inc. dba Whole Foods Market, has applied with the Department of Alcoholic Beverage Control (ABC) to transfer a Type 20, Off-sale Beer & Wine license to our store in the Castro District of San Francisco. Before ABC will issue the license, they require that we secure a Letter of Public Convenience and Necessity from the San Francisco Board of Supervisors. The following facts are required for this application:

Premise address: 2001 Market Street
San Francisco, CA 94114

Mailing address: P.O. Box 684786
Austin, TX 78768

Operational hours: 8:00 AM to 10:00 PM, seven days a week

The Castro Whole Foods Market will offer a wide range of natural foods and an extensive selection of fine wines and beers from around the world. We believe that offering beer and wine for sale will enhance our customers' shopping experience and best serve our local clientele. Therefore, we feel that the issuance of the Type 20 license at this location will provide a public convenience.

If any questions arise from this application, please contact one of our licensing consultant, Jay McPherson of CSA, at 800-400-1353.

Sincerely,

Roberta L. Lang
Vice President



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
WHOLE FOODS MARKET CALIFORNIA, INC

2. PREMISES ADDRESS (Street number and name, city, zip code) **2001 Market St. San Francisco CA 94114-1316**

3. LICENSE TYPE **20, 86**

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 checked="" 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 checked="" type="checkbox"/> Other - describe: 86- Instructional Tasting for Off-Sale Licensees			

5. COUNTY POPULATION **3034/812,820**

6. TOTAL NUMBER OF LICENSES IN COUNTY **955** On-Sale Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY **1:1,250** On-Sale Off-Sale

8. CENSUS TRACT NUMBER **203**

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT **3** On-Sale Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT **7** 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 **403**

14. TOTAL NUMBER OF REPORTING DISTRICTS **654**

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS **117,571**

16. AVERAGE NO. OF OFFENSES PER DISTRICT **179**

17. 120% OF AVERAGE NUMBER OF OFFENSES **214.8**

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT **987**

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

PC&N

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: **SF Board of Supervisors**

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

JM



EXPRESS FORM

COMPLIANCE SERVICE of AMERICA, INC.
54476 MARIAH RD., MYRTLE PT., OR 97458
TEL 800-400-1353 • FAX 541-396-6888

RETAIL & SUPPLIER LICENSES NATIONWIDE • FEDERAL PERMITS
RETAIL LICENSE UPKEEP • TRANSACTIONS OF ALL SIZES
TRAINING • CUSTOM MANUALS • COMPLIANCE AUDITS

ATTENTION:
Angela Calvillo
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

Via: Federal Express 415-554-5184

REGARDING:
Public convenience and necessity for pending
ABC File 20/86-527877

ON BEHALF OF:
Whole Foods Market California, Inc.
dba Whole Foods Market
2001 Market Street
San Francisco, CA 94114

MESSAGE:
If you have any questions, please call me
directly at 800-400-1353.

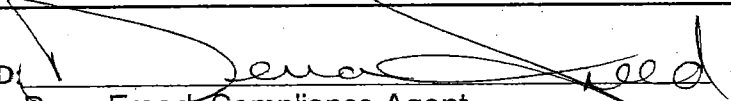
Thank you for your assistance.

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 NOV 27 AM 10:27
le

ENCLOSURES:

1. Letter requesting Letter of Public Convenience and Necessity for ABC license
2. ABC-245, Information and Instructions - Section 23958.4 B&P; *complete part 3 of this form, and return to the San Francisco ABC district office*

ACTION REQUESTED:
Please use the enclosures to approve the request for public convenience and necessity.

SIGNED: 
Dena Freed, Compliance Agent

DATE: 11/26/12

121140

Evans, Derek

From: Evans, Derek
Sent: Wednesday, December 05, 2012 2:46 PM
To: 'Georgia.Powell@sfgov1.onmicrosoft.com'; Stocker, Kenneth
Cc: 'AnMarie.Rodgers@sfgov1.onmicrosoft.com'; VanKoll, Richard
Subject: Liquor License Transfer - PCN Request - File No. 121140 - 2001 Market St (Whole Foods)
Attachments: 121140_PCN Request.pdf

Hello,

Attached is a Public Convenience and Necessity Request for the subject liquor license. Please review and provide your response.

Thank you,

Derek K. Evans
Assistant Committee Clerk
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102
Phone: (415) 554-7702 | Fax: (415) 554-5163
derek.evans@sfgov.org | www.sfbos.org

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.
<http://www.sfbos.org/index.aspx?page=104>

