

Carroll, John (BOS)

From: Carroll, John (BOS)
Sent: Wednesday, February 1, 2023 3:56 PM
To: Salmonson, Joel (POL); Wong, Joanne (POL); Jonas, Stephen (POL)
Cc: Alabanza, Analyn@ABC; amarjit.tamber@abc.ca.gov; rstamey-white@beveragelaw.com; Feinberg, Giles (BOS); Donovan, Dominica (BOS); Burch, Percy (BOS); Gallardo, Tracy (BOS); Gee, Natalie (BOS); Lopez-Weaver, Lindsey (BOS); Oropeza, Edgar (CPC); Samonsky, Ella (CPC); CPC.Referrals
Subject: RE: Liquor License Transfer - 655-22 Street - Mainstay Markets - BOS File No. 230082
Categories: 230082

Good afternoon,

The Planning Department has completed their review of the subject application, and has forwarded their recommendation for approval. For your convenience, I have the review available from the link below:

[Planning Dept. Response - Received January 31, 2023](#)

The matter is now awaiting review by the Police Department's ALU.

After receiving review from the Police Department, the Public Safety and Neighborhood Services Committee may hear and consider public convenience or necessity findings for the application, to be forwarded to the California Department of Alcoholic Beverage Control for their consideration in the license matter.

The Public Safety and Neighborhood Services Committee will tentatively schedule this hearing for a regular meeting of March 23, 2023.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 230082](#)

Thanks for the review.

John Carroll
Assistant Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415) 554-4445

(VIRTUAL APPOINTMENTS) To schedule a virtual meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation and archived matters since August 1998.

From: [Oropeza, Edgar \(CPC\)](#)
To: [Carroll, John \(BOS\)](#); [Samonsky, Ella \(CPC\)](#)
Subject: Re: Liquor License Transfer - 655-22 Street - Mainstay Markets - BOS File No. 230082
Date: Tuesday, January 31, 2023 2:23:39 PM
Attachments: [image001.png](#)
[655 22nd st PCN Referral.013023.pdf](#)
[ABC referral - 655 22nd St - Mainstay Markets \(ID 1351552\).pdf](#)

Thank you all for your attention to this email, The SF Planning Department recommend approval:

Recommend to approve, existing grocery market - type 20 as an accessory use in this case, not considered a liquor store and abiding in the following manner, This classification shall not include retail uses that:

(a) are both (1) classified as a General Grocery, and (2) have a Gross Floor Area devoted to alcoholic beverages that is within the applicable accessory use limits for the use district in which it is located, in this case alcohol sales and displays are limited to no more than than one-third of the total floor area occupied by such use.

BPA TI approvals -

2019-002940PRL Project Light (PRL) 601 22ND ST

Opened: 3/11/2019

Status: Closed 3/11/2019

Assigned Planner: Oropeza Edgar: edgar.oropeza@sfgov.org / 628-652-7368

The project proposes the conversion of existing off street parking currently used as accessory parking for the industrial building into new retail sales and services use, a grocery store of roughly 3200 square feet. Please note as part of the approval the applicant is required to eliminate the two existing curb cuts, a new store front shall be created as shown on plans behind the existing roll up doors. Please note per the special use district the use size is less than 4000 square feet, retail sales and services uses are allowed on site to exceed 5,000 total square feet for the lot. The addition of the roughly 900 square feet will not exceed the permitted FAR for the subject building. Impact fees for the conversion are required per tier one, impact fees for the new mezzanine are required at tier three. Please note the total size of the said project is less than 5000 square feet and thus not subject to TSF fees. The occupant is identified as a small business per section 303.1. No BBNs or planning code complaints.

Address: 601 22ND ST 94107

Further Info:

Related Records:

[Related Documents](#) [201903114905](#)

[Project Features](#)

[Accela Citizen Access](#)

[Accela Automation*](#)

Email is the best way to reach me. See below for more information.

Edgar Oropeza, Senior Planner

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

LIQUOR LICENSE PUBLIC CONVENIENCE OR NECESSITY REFERRAL

TO: Planning Department
Attn: Edgar Oropeza
Phone No. _____
edgar.oropeza@sfgov.org

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

DATE: January 30, 2023

AP Block/Lot Nos.: 4173/001

Zoning: PDR 1 G

Quad: D 9 / 10

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 the regular meeting of March 23, 2023.

PLEASE EMAIL YOUR RESPONSE by February 17, 2023, to:

John Carroll, Public Safety and Neighborhood Services Committee Clerk.

john.carroll@sfgov.org ~ (415) 554-4445

Applicant name: Mainstay Markets

Business name: Mainstay Markets

Application address: 655 22nd Street
San Francisco, CA 94017

Applicant contact info: Rebecca Stamey-White
415-362-1215, ext. 106
rstamey-white@beveragelaw.com

PLANNING REVIEW: **Approval** **Denial**
Edgar Oropeza

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

POLICE REVIEW: **Approval** **Denial**
(Please add comments in a trailing report.)



RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2023 JAN 26 AM 9:19
BY JA

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

Re: Request for Resolution of Public Convenience or Necessity
Mainstay Markets
655 22nd Street, San Francisco CA 94017

Dear Board of Supervisors:

Mainstay Markets applied to the Department of Alcoholic Beverage Control for a Type 20 Off-Sale Beer and Wine license in the Dogpatch neighborhood in San Francisco. Because the store is located in a census tract that has an “undue concentration” of off-sale licenses under Section 23958.4 of the California Business and Professions Code, we request a determination by the Board of Supervisors that public convenience or necessity will be served by issuance of the license.

Mainstay Markets applied for a person-to-person, premises-to-premises transfer of an existing Type 20 license to its store location. The grocery store is open 7 days a week from 7 a.m. to 9 p.m. and offers the Dogpatch community convenient access to fresh produce, quality groceries, and everyday essentials. Mainstay Markets strives to provide its patrons with all the kitchen essentials in one-stop shopping. By offering beer and wine to its customers, Mainstay Markets alleviates the need for patrons to shop elsewhere. Customers expect this convenience when shopping at the local market.

A *mainstay* is something that acts as a source of support for its community. Mainstay Markets is dedicated to its community by offering quality products, supporting local growers, and hiring local employees.

For the reasons set forth above, we respectfully request that the Board of Supervisors make a finding that issuance of the Type 20 license to Mainstay Markets will serve public convenience or necessity.

Should you have any questions or concerns, please contact our alcoholic beverage attorney, Rebecca Stamey-White, at 415-362-1215, ext. 106, or rstamey-white@beveragelaw.com.

Sincerely,

Kerry Workman
Mainstay Markets, Vice President

Department of Alcoholic Beverage Control
APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)
 ABC 211 (6/99)

State of California

Ms. Una CAROLAN

*Hinman & Carmichael LLP
 (415) 362-1215*

TO: Department of Alcoholic Beverage Control
 33 NEW MONTGOMERY STREET
 STE 1230
 SAN FRANCISCO, CA 94105
 (415) 356-6500

File Number: **645383**
 Receipt Number: **2771951**
 Geographical Code: **3800**
 Copies Mailed Date: **January 17, 2023**
 Issued Date:

X107

DISTRICT SERVING LOCATION: **SAN FRANCISCO**
 First Owner: **MAINSTAY MARKETS**
 Name of Business: **MAINSTAY MARKETS**
 Location of Business: **655 22ND ST
 SAN FRANCISCO, CA 94107-3118**
 County: **SAN FRANCISCO**
 Is Premises inside city limits? **Yes** Census Tract: **0226.00**
 Mailing Address:(If different from premises address)
 Type of license(s): **20** Dropping Partner: Yes No
 Transferor's license/name: **530387 / EDWARD R MARSZAL ENTERPRISES INC**

BY *[Signature]*
 2023 JAN 20 AM 8:39
 RECEIVED
 BOARD OF SUPERVISORS
 SAN FRANCISCO

<u>License Type</u>	<u>Transaction Type</u>	<u>Master</u>	<u>Secondary LT And Count</u>		
20 - Off-Sale Beer And Wine	PER/PRM	Y			

<u>License Type</u>	<u>Transaction Description</u>	<u>Fee Code</u>	<u>Dup</u>	<u>Date</u>	<u>Fee</u>
Application Fee	STATE FINGERPRINTS	NA	3	01/17/23	\$117.00
Application Fee	DBL TRF: PREMISES AND PERSON	NA	0	01/17/23	\$990.00
Application Fee	FEDERAL FINGERPRINTS	NA	3	01/17/23	\$72.00
20 - Off-Sale Beer And Wine	ANNUAL FEE	NA	0	01/17/23	\$435.00
Total					\$1,614.00

Have you ever been convicted of a felony? **No**
 Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? **No**

STATE OF CALIFORNIA County of SAN FRANCISCO Date: January 17, 2023

Applicant Name(s)
MAINSTAY MARKETS



CALIFORNIA DEPARTMENT OF

Alcoholic Beverage Control

Report Date: Saturday, January 28, 2023

LICENSE INFORMATION

License Number: 645383 **Primary Owner:** MAINSTAY MARKETS **Office of Application:**

24 - SAN FRANCISCO

BUSINESS NAME

MAINSTAY MARKETS

BUSINESS ADDRESS

655 22ND ST , SAN FRANCISCO, CA, 94107

County: SAN FRANCISCO **Census Tract:** 0226.00

LICENSEE INFORMATION

Licensee: MAINSTAY MARKETS

Company Information

OFFICER: WORKMAN, KERRY MAX (SECRETARY TREASURER)

OFFICER: WORKMAN, KERRY MAX (CHIEF FINANCIAL OFFICER)

OFFICER: WORKMAN, KERRY MAX (DIRECTOR)

OFFICER: WORKMAN, KERRY MAX (VICE PRESIDENT)

OFFICER: CHAN, JIM TZE CHING (DIRECTOR)

OFFICER: CHAN, JIM TZE CHING (PRESIDENT)

STOCKHOLDER: CHAN, JIM TZE CHING

STOCKHOLDER: WORKMAN, KERRY MAX

LICENSE TYPES

Allow up to six weeks for expiration date updates after fee waiver or renewal fee submittal.

20 - OFF-SALE BEER AND WINE

License Type Status: PENDING **Status Date:** 17-JAN-2023 **Term:** 12 Month(s)

Original Issue Date: **Expiration Date:** **Master:** Y **Duplicate:** **Fee Code:** P40

Transfers: From License Number: [20-530387](#)

OPERATING RESTRICTIONS:

No Operating Restrictions found

DISCIPLINARY ACTION:

No Active Disciplinary Action found

DISCIPLINARY HISTORY:

No Disciplinary History found.

HOLDS:

Hold Type: FORM 220 **Hold Date:** 17-JAN-2023

ESCROWS:

CALIFORNIA BUSINESS ESCROW INC, 1748 MAIN ST ESCALON,CALIFORNIA 95320

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)

ABC 211 (6/99)

Ms. Una CAROLAN

TO: Department of Alcoholic Beverage Control
 33 NEW MONTGOMERY STREET
 STE 1230
 SAN FRANCISCO, CA 94105
 (415) 356-6500

File Number: 645383
 Receipt Number: 2771951
 Geographical Code: 3800
 Copies Mailed Date: January 17, 2023
 Issued Date:

*Hinman & Carmichael LLP
 (415) 362-1215*

X107

DISTRICT SERVING LOCATION: SAN FRANCISCO 4173/001
 First Owner: MAINSTAY MARKETS Dist 10
 Name of Business: MAINSTAY MARKETS PDR-1-G
 Location of Business: 655 22ND ST 2023-000533MIS
 SAN FRANCISCO, CA 94107-3118

County: SAN FRANCISCO
 Is Premises inside city limits? Yes Census Tract: 0226.00

Mailing Address:(If different from premises address)

Type of license(s): 20 Dropping Partner: Yes No

Transferor's license/name: 530387 / EDWARD R MARSZAL ENTERPRISES INC

<u>License Type</u>	<u>Transaction Type</u>	<u>Master</u>	<u>Secondary LT And Count</u>		
20 - Off-Sale Beer And Wine	PER/PRM	Y			

<u>License Type</u>	<u>Transaction Description</u>	<u>Fee Code</u>	<u>Dup</u>	<u>Date</u>	<u>Fee</u>
Application Fee	STATE FINGERPRINTS	NA	3	01/17/23	\$117.00
Application Fee	DBL TRF: PREMISES AND PERSON	NA	0	01/17/23	\$990.00
Application Fee	FEDERAL FINGERPRINTS	NA	3	01/17/23	\$72.00
20 - Off-Sale Beer And Wine	ANNUAL FEE	NA	0	01/17/23	\$435.00
Total					\$1,614.00

Have you ever been convicted of a felony? No
 Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? No

STATE OF CALIFORNIA County of SAN FRANCISCO Date: January 17, 2023

Applicant Name(s)

MAINSTAY MARKETS

Recommend to approve, existing grocery market - type 20 as an accessory use in this case, not considered a liquor store and abiding in the following manner, This classification shall not include retail uses that:

(a) are both (1) classified as a General Grocery, and (2) have a Gross Floor Area devoted to alcoholic beverages that is within the applicable accessory use limits for the use district in which it is located, in this case alcohol sales and displays are limited to no more than than one-third of the total floor area occupied by such use.

E. Dropp 2A 1/30/2023