

File No. 201337

Committee Item No. 1

Board Item No. 17

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Comm: Public Safety & Neighborhood Services

Date: January 28, 2021

Board of Supervisors Meeting:

Date: February 9, 2021

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 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"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER

- | | | |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Police Department Response – January 20, 2021</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Planning Department Response – December 11, 2020</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral – December 4, 2020</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>PC or N Request Letter – November 24, 2020</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | <u>_____</u> |

Prepared by: John Carroll

Date: January 22, 2021

Prepared by: John Carroll

Date: February 5, 2021

1 [Liquor License Transfer - 355 Bayshore Boulevard - Grocery Outlet]

2

3 **Resolution determining that the transfer of a Type-21 off-sale general beer, wine,**
4 **and distilled spirits liquor license to Grocery Outlet Inc, doing business as**
5 **Grocery Outlet, located at 355 Bayshore Boulevard (District 10), will serve the**
6 **public convenience or necessity of the City and County of San Francisco, in**
7 **accordance with California Business and Professions Code, Section 23958.4; and**
8 **requesting that the California Department of Alcoholic Beverage Control impose**
9 **conditions on the issuance of the license.**

10

11 WHEREAS, Grocery Outlet Inc, is seeking the transfer of a Type-21 off-sale
12 general beer, wine, and distilled spirits liquor license to do business as Grocery Outlet,
13 located at 355 Bayshore Boulevard (District 10); 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 conditions; and

20 WHEREAS, The conditions recommended by the Police Department are the
21 following: 1) Sales, service and consumption of alcoholic beverages shall be permitted
22 only between the hours of 7:00 a.m. and 11:00 p.m. each day of the week; 2) The sale
23 of distilled spirits in sizes smaller than 200 milliliters is strictly prohibited; 3) Beer, malt
24 beverages, and wine coolers in containers of 16 ounces or less cannot be sold by single
25 containers from a refrigerator or cooler but must be sold in manufacturer pre-packaged

1 multi-unit quantities; this restriction applies to any beer that is not sold or marketed by
2 the manufacturer in a multi-unit package quantity; and 4) Petitioner(s) shall actively
3 monitor the area under their control in an effort to prevent the loitering of persons on
4 any property adjacent to the licensed premises as depicted on ABC-253; now,
5 therefore, be it

6 RESOLVED, That in accordance with California Business and Professions Code,
7 Section 23958.4, the Board of Supervisors of the City and County of San Francisco
8 hereby determines that the transfer of a Type-21 off-sale general beer, wine, and
9 distilled spirits liquor license to Grocery Outlet Inc, doing business as Grocery Outlet,
10 located at 355 Bayshore Boulevard, will serve the public convenience or necessity of
11 the City and County of San Francisco; and, be it

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

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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 Rafael Mandelman
Supervisor Catherine Stefani
Supervisor Shamman Walton

From: Lt. Georgia Sawyer #1565
Officer in Charge
ALU/Permits Unit 415-553-9550

Date: January 20, 2021

Subject: P.C.N. Investigation Regarding: Grocery Outlet Inc.
DBA: Grocery Outlet
355 Bayshore Blvd
San Francisco, CA. 94124

Grocery Outlet Inc., on behalf of Grocery Outlet, has filed an application with the California Department of Alcoholic Beverage Control seeking a Type 21 (Off-Sale Beer, wine & Distilled Spirits) license to be located at 355 Bayshore Blvd (located between Flower St. and Waterloo St.).

Hours of Operation:

7am-11pm 7 days a week

Digest:

Grocery Outlet would like to operate a full-service retail grocery store located at 355 Bayshore Blvd. If approved, this license will allow Grocery Outlet to sell Off-Sale Beer, Wine & Distilled Spirits.

Letters of Protest

0

Letters of Support

0

Police Calls for Service:

From November 2019 to November 2020

25 calls for service

Police Reports:

From November 2019 to November 2020

1 police reports

San Francisco Plot Information:

This premise is located in Plot: **328**

A High Crime area is defined as **101** or more police reports in a plot for the year of **2019**.

This plot had **125** police reports for **2019**, which is **24 More** than the **Citywide “High Crime”** average

State Census Tract Information:

This premise is located in Census Tract: **9809**
Population for this tract is: **350**

On-sale license authorized by census tract: **1**
Active on-sale licenses: 15 with 0 pending

Off-sale licenses authorized by census tract: **0**
Active off-sale licenses: 10 with 0 pending

Departmental Recommendation:

Points of consideration: **0**

No opposition from **Bayview Station**

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

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

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

Conditions for Type 21- Off Sale General

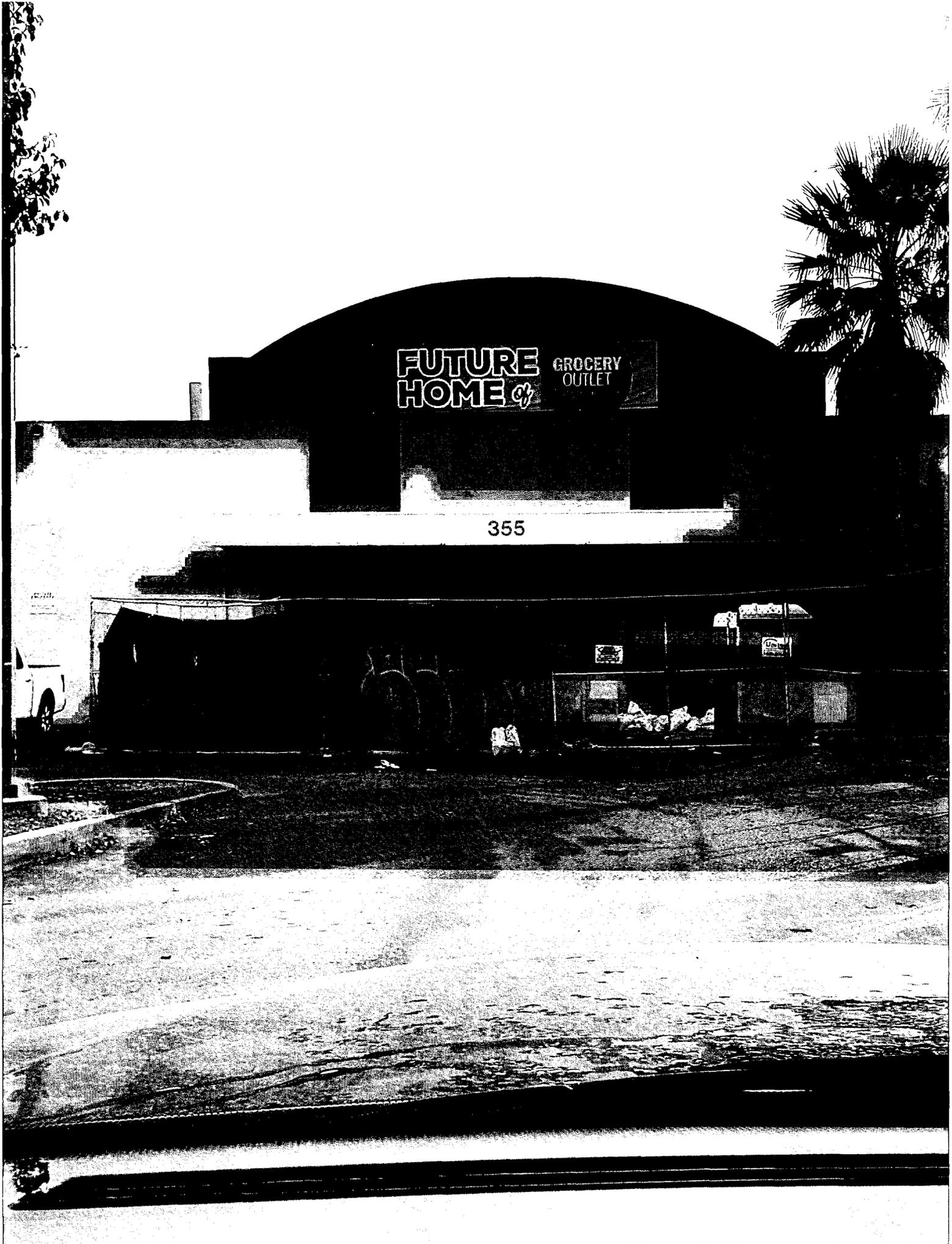
1. Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 7:00 a.m. and 11:00 p.m. each day of the week.
2. The sale of distilled spirits in sizes smaller than 200 ml is strictly prohibited.
3. Beer, malt beverages, and wine coolers in containers of 16 oz. or less cannot be sold by single containers from a refrigerator or cooler but must be sold in manufacturer pre-packaged multi-unit quantities. This restriction applies to any beer that is not sold or marketed by the manufacturer in a multi-unit package quantity.
4. 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.

The above listed conditions were agreed to by the applicant on 12/17/20.

**FUTURE
HOME** *of*

**GROCERY
OUTLET**

355



Google Maps San Francisco, California



Image capture: Mar 2019 © 2020 Google



Street View

LIQUOR LICENSE PUBLIC CONVENIENCE OR NECESSITY REFERRAL

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

DATE: December 4, 2020

AP Block/Lot Nos.: 5598/030

TO: Police Department
Inspector Georgia Sawyer
Phone No. (415) 553-9550

Zoning: PDR-2; 65-J

Quad: SE Planning Team

Record No.: 2020-010334MIS

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 January of 2021.

PLEASE EMAIL YOUR RESPONSE BY: December 23, 2020, to John Carroll, Public Safety and Neighborhood Services Committee Clerk.

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

Applicant name: Grocery Outlet Inc

Business name: Grocery Outlet

Application address: 355 Bayshore Boulevard
San Francisco, CA 94124

Applicant contact info: Justin A. Zucker
415-567-9000
izucker@reubenlaw.com

PLANNING REVIEW: Approval Denial

Planning Staff Contact: Elton Wu 628-652-7415

Please print review comments on a trailing page.

Recommend approval for 355 Bayshore Blvd for a ABC Type 21 License per Sec 210.2

POLICE REVIEW: Approval Denial

Please print review comments in a trailing report.

REUBEN, JUNIUS & ROSE, LLP

Justin A. Zucker
jzucker@reubenlaw.com

November 19, 2020

Delivered Via E-Mail & Messenger (john.carroll@sfgov.org)

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

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2020 NOV 24 AM 10:08

**Re: Liquor License Public Convenience or Necessity Request
355 Bayshore Boulevard – Grocery Outlet bargain market
Our File No.: 8864.03**

Dear Ms. Calvillo:

This office represents Grocery Outlet bargain market (“**Grocery Outlet**”), the project sponsor of a full-service, locally owned and independently operated grocery store at 355 Bayshore Boulevard (the “**Property**”). Grocery Outlet obtained strong neighborhood support and unanimous approval from the Planning Commission to re-establish a grocery store into the vacant building that previously had been a Smart & Final grocery store (the “**Project**”). The addition of alcohol sales will help ensure the long-term viability of the grocery store and provide the neighborhood with a convenient one-stop shop for food, household supplies, and beverages. On December 23, 2019, the Grocery Outlet filed a building permit to construct Project tenant improvements. The Grocery Outlet expects the market to begin operation in March 2021.

The Grocery Outlet now seeks a type-21 off-sale general license from the California Department of Alcohol Beverage Control (“**ABC**”). On November 6, 2020, Grocery Outlet filed an application with ABC for a license transfer of an existing license at the Property (previous License No. 21-373170), with new License No. 622103 (See **Exhibit A**). The ABC letter mailings were completed on November 6, 2020, pursuant to state law. Smart & Final closed in November 2018 and had a type-21 off-sale general license at the Property. However, due to the transfer of a license after 90 days from Smart & Final’s closure, Grocery Outlet must obtain a determination by the Board of Supervisors that the public convenience or necessity will be served by the issuance of this license for operations at the Property.

The Project will establish a Grocery Outlet to be locally owned and independently operated at the Property, an existing building last occupied by a Smart & Final grocery store with at-grade parking. The Grocery Outlet would occupy approximately 14,792 square feet of ground floor

San Francisco Office
One Bush Street, Suite 600, San Francisco, CA 94104
tel: 415-567-9000 | fax: 415-399-9480

Oakland Office
492 9th Street, Suite 200, Oakland, CA 94607
tel: 510-527-5589

www.reubenlaw.com

Ms. Angela Cavillo
Clerk of the Board of Supervisors
November 19, 2020
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space, adjacent to an operating O'Reilly Auto Parts. The Grocery Outlet would sell daily needs and desirable goods and services to neighborhood residents, including hygienics (e.g., toilet paper, paper towels, soaps, etc.), fresh and local produce, fresh meats and deli products, organics, and some grab-and-go foods. Adding alcoholic beverages to the offerings of this proposed neighborhood market will serve the public convenience and necessity of the neighborhood by increasing the variety of goods offered at this location. Customers will have products readily available in one location when they would otherwise be obliged to travel to several locations to purchase these items. Area workers and residents will have a new full-service grocery store that will provide a convenient shopping experience. The proposed hours of operation are 8 a.m. to 9 p.m. daily.

The Grocery Outlet is committed to providing a much-needed, full-service grocery store to the Bayview neighborhood. The Grocery Outlet's tenant improvements also include the installation of new security cameras covering the liquor aisles, check stands, entrances, exits and other areas within the store. Higher resolution cameras will be going in the liquor area. The video system will have a 30-day retrieval function that can track previous days' activity. The security system will deter theft and improper sales of alcoholic beverage products. Additionally, as a locally owned and operated grocery store, the operator will be able to respond to any security issues that may come up. Although safety or security issues on the property are not anticipated, these measures will ensure that the alcohol sales will not result in any negative impacts on the surrounding neighbors.

For the reasons outlined above, I respectfully request that this letter be forwarded to the Public Safety and Neighborhood Services Committee of the Board and that the Committee and the full Board of Supervisors make a determination under California Business & Professions Code §23958.4 that the public need or convenience would be served by the issuance of a type-21 off-sale general license to Grocery Outlet.

Please contact me with any questions you have.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Justin A. Zucker

Enclosure

EXHIBIT A

CA



Report Date: Thursday, November 12, 2020

LICENSE INFORMATION

License Number: 622103 **Primary Owner:** GROCERY OUTLET INC **Office of Application:**
24 - SAN FRANCISCO

BUSINESS NAME

GROCERY OUTLET

BUSINESS ADDRESS

355 BAYSHORE BLVD , SAN FRANCISCO, CA, 94124

County: SAN FRANCISCO **Census Tract:** 9809.00

LICENSEE INFORMATION

Licensee: GROCERY OUTLET INC

Company Information

OFFICER: LINDBERG, ERIC JOHN (DIRECTOR)

OFFICER: LINDBERG, ERIC JOHN (PRESIDENT)

OFFICER: LINDBERG, ERIC JOHN (CHIEF EXECUTIVE OFFICER)

OFFICER: READ, STEVEN MACGREGOR JR (DIRECTOR)

OFFICER: READ, STEVEN MACGREGOR JR (CHIEF EXECUTIVE OFFICER)

OFFICER: BRACHER, CHARLES CHRISTIAN (CHIEF FINANCIAL OFFICER)

OFFICER: SHEEDY, ROBERT JOSEPH (PRESIDENT)

OFFICER: BURKE, PAMELA BARNUM (VICE PRESIDENT)

OFFICER: BURKE, PAMELA BARNUM (SECRETARY/ASST SEC)

STOCKHOLDER: GOBP MIDCO INC

LICENSE TYPES

21 - OFF-SALE GENERAL

License Type Status: PENDING **Status Date:** 06-NOV-2020 **Term:** 12 Month(s)

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

From License Number: 21-373170

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:** 06-NOV-2020

ESCROWS:

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

