

File No. 200490

Committee Item No. 1

Board Item No. 19

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Comm: Public Safety & Neighborhood Services

Date: October 8, 2020

Board of Supervisors Meeting:

Date: October 20, 2020

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"/> | 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 checked="" type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Police Department Response – September 17, 2020</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Planning Department Response – July 16, 2020</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral – July 15, 2020</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>PC or N Request Letter – July 7, 2020</u> |

Prepared by: John Carroll

Date: October 2, 2020

Prepared by: John Carroll

Date: October 16, 2020

1 [Liquor License Transfer - 1859 Market Street - Golden State Food & Liquor]

2

3 **Resolution determining that the transfer of a Type-21 off-sale general beer, wine,**
4 **and distilled spirits liquor license to Golden State Food & Liquor, Inc., located**
5 **at 1859 Market Street (District 8), will serve the public convenience or necessity of**
6 **the City and County of San Francisco; and requesting that the California**
7 **Department of Alcoholic Beverage Control impose conditions on the issuance of**
8 **the license.**

9

10 WHEREAS, Golden State Food & Liquor, Inc., is seeking the transfer of a
11 Type-21 off-sale general beer, wine, and distilled spirits liquor license to do business as
12 Golden State Food & Liquor, located at 1859 Market Street (District 8); and

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

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

19 WHEREAS, The conditions recommended by the Police Department are the
20 following: 1) Sales, service and consumption of alcoholic beverages shall be permitted
21 only between the hours of 8:00 a.m. and 1:00 a.m. each day of the week; 2) The sale of
22 distilled spirits in sizes smaller than 200 milliliters is strictly prohibited; 3) Beer, malt
23 beverages, and wine coolers in containers of 16 ounces or less cannot be sold by single
24 containers, but must be sold in manufacturer pre-packaged multi-unit quantities; and 4)
25 Petitioner(s) shall actively monitor the area under their control in an effort to prevent the

1 loitering of persons on any property adjacent to the licensed premises as depicted on
2 ABC-253; now, therefore, be it

3 RESOLVED, That in accordance with California Business and Professions Code,
4 Section 23958.4, the Board of Supervisors of the City and County of San Francisco
5 hereby determines that the transfer of a Type 21 off-sale general beer, wine, and
6 distilled spirits liquor license to Golden State Food & Liquor, Inc., located at 1859
7 Market Street (District 8), will serve the public convenience or necessity of the City and
8 County of San Francisco; and, be it

9 FURTHER RESOLVED, That the Board of Supervisors of the City and County of
10 San Francisco hereby endorses and adopts the recommendations of the Police
11 Department listed above and recommends that the Department of Alcoholic Beverage
12 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: October 2, 2020

Subject: P.C.N. Investigation Regarding: Golden State Food & Liquor Inc.
DBA: Golden State Food & Liquor
1859 Market St
San Francisco, CA. 94103

Golden State Food & Liquor, Inc., on behalf of Golden State Food & Liquor, 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 1859 Market St (located between Guerrero St. & Pearl St.).

Hours of Operation:

8am - 1am 7 days a week.

Digest:

Golden State Food & Liquor would like to operate a retail store located at 1859 Market St. If approved, this license will allow Golden State Food & Liquor to sell Off-Sale Beer, Wine & Distilled Spirits.

Letters of Protest

1

Letters of Support

0

Police Calls for Service:

From June 2019 to June 2020

4 calls for service

Police Reports:

From June 2019 to June 2020

1 police report

San Francisco Plot Information:

This premise is located in Plot: **200**

A High Crime area is defined as **107** or more police reports in a plot for the year of **2019**.

This plot had **103** police reports for **2019**, which is **4 less** than the **Citywide “High Crime”** average

State Census Tract Information:

This premise is located in Census Tract: **202**

Population for this tract is: **6,269**

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

Active on-sale licenses: 56 with 0 pending

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

Active off-sale licenses: 17 with 0 pending

Departmental Recommendation:

Points of consideration: **0**

No opposition from **Southern Station**.

Applicant premise **is** located in a “**Low 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 8:00 a.m. and 1:00 a.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, but must be sold in manufacturer pre-packaged multi-unit quantities.
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.



7/6

1859 Market St



Map data ©2020 Google 200 ft

LIQUOR LICENSE PUBLIC CONVENIENCE OR NECESSITY REFERRAL

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

DATE: July 15, 2020
AP Block/Lot Nos.: 3502/041
Zoning: NCT-3
Quad: SE Planning Team
Record No.: _____

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

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 September of 2020.

PLEASE EMAIL YOUR RESPONSE BY: July 31, 2020, to John Carroll,
Public Safety and Neighborhood Services Committee Clerk.
john.carroll@sfgov.org - Phone No: 554-4445

Applicant name: Golden State Food & Liquor, Inc.

Business name: Golden State Food & Liquor

Application address: 1859 Market Street
San Francisco, CA 94103

Applicant contact info: Ayeda Shariff
abeshariff510@gmail.com
510-867-9279

PLANNING REVIEW: Approval Denial

Planning Staff Contact: _____

Please print review comments on a trailing page.

Recommend Approval for Golden Gate Food and Liquor Inc. for a Off Sale General ABC License 21 under Sec. 752. Continuation of an existing General Grocery use to provide alcohol sales for consumption off the premises that occupy less than 15% of the Occupied Floor Area of the establishment (including all areas devoted to the display and sale of alcoholic beverages) per Sec. 102

POLICE REVIEW: Approval Denial

Please print review comments in a trailing report.

Attachment

Letter of Public Convenience or Necessity

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2020 JUL -7 PM 3: 31

BY AS

Applicant: Golden State Food & Liquor Inc
Address: 1859 Market St, San Francisco, CA 94103
Daytime Phone: (510)867-9279
Email: abeshariff510@gmail.com

This letter provides justification for a finding of Public Convenience or Necessity for Golden State Food & Liquor in San Francisco, California. The city and county of San Francisco has indicated that a letter of public convenience or necessity is required to permit the sale of alcoholic beverages at this site. We sent a Liquor license application to Alcoholic Beverage Control office for transferring 21-off-sale general liquor license on 6/22/2020. ABC Escrow company and my CPA helped me to complete the noticing requirement for the license, pursuant to state law.

Prior owner of this store had liquor license since 2010 and never had issues due to selling the alcoholic beverage to the community. Our business hours of operation are 7 days a week 7:00am-2am. Golden State Food & Liquor has been built friendly relationship with neighborhood and provided convenience to their daily life from the opening the store. Golden State Food & Liquor provides pleasant shopping experience to the community by giving large selection of groceries and beverages.

First, it is important to emphasize that Golden State Food & Liquor has a strong and friendly relationship with neighborhood. Moreover, customers who comes to Golden State Food & Liquor can be released stress from the heavy traffic by finding most of their needs in our market.

The customers who come to Golden State Food & Liquor will have variety of choices to shop, because we have large selection of groceries and beverages. Therefore, customers can meet their needs in one place.

All of employee in Golden State Food & Liquor are well aware of regulation to sell alcohol beverages in California. All employees always request to check identification to make sure all customers meet the California legal age requirement for purchasing. Strictly monitor of any violation of drinking alcoholic beverages outside of the market or street nearby to protect our community. Strongly refuse to sell to minors, and public notice of alcoholic beverages is posted in the site where easily can be founded by customers. Most importantly, Golden State Food & Liquor employees and cashiers, are regularly trained to be mindful and considerate toward our customers with safe shopping in the market for their own and community's safety.

Thus, permitting to sell alcoholic beverages at Golden State Food & Liquor will provides a better-quality shopping, and the place where people can enjoy their shopping with family as their daily life.

Applicant Signature: ayeda Shariff Date: 7/2/20
Printed Name: ayeda Shariff

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 *Golden State Food & Liquor Inc*

2. PREMISES ADDRESS (Street number and name, city, zip code) *1859 Market St, 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 checked="" 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 *883,869/6,269*

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

7. RATIO OF LICENSES TO POPULATION IN COUNTY *1,132* On-Sale Off-Sale

8. CENSUS TRACT NUMBER *0202.00*

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT *5* On-Sale Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT *12* 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 *200*

14. TOTAL NUMBER OF REPORTING DISTRICTS *654*

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS *55,022*

16. AVERAGE NO. OF OFFENSES PER DISTRICT *84.13*

17. 120% OF AVERAGE NUMBER OF OFFENSES *100.8*

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT *125*

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) *AD* *WJ*

From: [Larry Burg](#)
To: [Carroll, John \(BOS\)](#); [Wu, Elton \(CPC\)](#); [SanFrancisco@abc.ca.gov](#)
Subject: Re: Questions about 1859 Market 21 Off-sale license application - BOS File No. 200490 - Liquor License Transfer - 1859 Market Street - Golden State Food & Liquor
Date: Monday, August 24, 2020 1:47:58 PM
Attachments: [image001.png](#)

Thank you both for your prompt responses.

I do wish to express the following, in opposition to granting of the license to sell alcoholic beverages at 1859 Market St.--file # 200490, ABC license application #617474.

The neighborhood in which this store is located, has experienced a huge increase in encampments since the start of the pandemic. From the alleys off of Duboce Ave. to the McCoppin Stub area to--north of Market--the 1st block of Waller St. and the fairly new Waller Park at 155 Laguna St., congregations of many substance abusers are stressing out our neighbors. Mental health issues, compounded by homelessness and exacerbated by easy access to alcohol by some, often results in disturbing and disruptive behavior. Now is **not the time** to add to the "inventory" of liquor stores in this heavily impacted area--especially when there are several existing locations selling off-sale right nearby.

Item 9 in the PCorN Request form clearly states that the number of off-sale licenses allowed in this census tract is 5; the existing number is 12. And item 11 is checked off as: Yes, the number of existing licenses exceeds the number allowed. Why should this proceed any further if only 5 off-sale licenses is allowed for this census tract? Well, in terms of convenience or public necessity, 2 blocks away are 2 major grocery stores: Safeway and Whole Foods; 2 blocks away is Fred's liquor store--corner of Valencia and Duboce; 3.5 blocks away to the east is another store selling liquor--Nick's Foods at 1659 Market. Two blocks away is Valmar Supermarket at 16 Valencia St./McCoppin.

Please deny a license/transfer for 1859 Market St.

Thank you,

Larry Burg

50 Laguna St. #504

(1 block away from 1859 Market St.)

On 8/10/2020 3:47 PM, Carroll, John (BOS) wrote:

That's correct, thank you for the info, Elton Wu, and thank you for your questions, Larry Burg.

The applicant has come to the Board of Supervisors requesting that the Board consider whether the service premise would serve the public convenience or necessity. The authority which issues liquor licenses is the state of California Office of Alcoholic Beverage Control (CA ABC).

The Board of Supervisors—through its Public Safety and Neighborhood Services Committee—may hold a public hearing on this issue in the future. I have an open public file for this matter with the Board of Supervisors file number of 200490. If you wish to express your concerns about the proposed service premise, **please write to me; I will forward your message to the members of the PSNS Committee and retain your message in the official file.**

For more info on the public convenience or necessity process, I refer you to the fact sheet linked here:

[Liquor License Public Convenience or Necessity Request](#) (Pdf)

If you have any questions about how the CA ABC office exerts its issuing authority, then I would refer you to their office. Their license lookup number for this proposed service premise is 617474, and they should have a licensing representative who may answer further questions about how licenses are transferred and issued.

Best to you both,

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.

Disclosures: *Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of*

Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

-----Original Message-----

From: Wu, Elton (CPC) <elton.wu@sfgov.org>

Sent: Monday, August 10, 2020 2:56 PM

To: Larry Burg <burginfo@sonic.net>; Carroll, John (BOS) <john.carroll@sfgov.org>

Subject: RE: Questions about 1859 Market 21 Off-sale license application

Hello Mr. Burg,

When a business requests an ABC license in an area that has an existing overconcentration of alcohol licenses, that business is required to first obtain a determination of Public Convenience or Necessity from the local agency, in this case the Board of Supervisors. This is what is currently under review at the Board. For more information, please see

https://sfbos.org/sites/default/files/PC_or_N_Request_Fact_Sheet.pdf.

This application was noted as a transfer of ownership of an existing business, and the Planning Department determined on July 7, 2020 that no additional land use approvals are required for the activity.

If you object to the issuance of this PCN request by the Board of Supervisors, John Carroll of their staff can register your concerns.

Elton Wu, Assistant Planner

Southeast Team, Current Planning Division San Francisco Planning Department PLEASE NOTE MY NEW ADDRESS AND PHONE NUMBER AS OF AUGUST 17:

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: 628.652.5555 | www.sfplanning.org San Francisco Property Information Map

IN ORDER FOR US TO MOVE, OUR OFFICE WILL BE CLOSED WITH NO ACCESS TO PHONES OR E-MAIL ON THURSDAY, AUGUST 13 and FRIDAY, AUGUST 14. WE APPRECIATE YOUR PATIENCE.

Due to COVID-19, San Francisco Planning is not providing any in-person services, but we are operating remotely. Our staff are available by e-mail, and the Planning and Historic Preservation Commissions are convening remotely. The public is encouraged to participate. Find more information on our services here.

-----Original Message-----

From: Larry Burg <burginfo@sonic.net>

Sent: Monday, August 10, 2020 2:05 PM

To: Wu, Elton (CPC) <elton.wu@sfgov.org>; Carroll, John (BOS)

<john.carroll@sfgov.org>

Subject: Questions about 1859 Market 21 Off-sale license application

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Last week (8/6/20) residents of 50 Laguna St. and presumably others within a 500 ft. radius of 1859 Market St., received a Notice of Intention to Engage in the Sale of Alcoholic Beverages.

The notice did not list the name of the applicant, rather listing it as "Golden State Food & Liquor, Inc." in the name section, with no DBA listed.

A Google search, brought up the attached document.

Item 9 in that document clearly states that the number of off-sale licenses allowed in this census tract is 5; the existing number is 12.

And item 11 is checked off as: Yes, the number of existing licenses exceeds the number allowed. Furthermore, in item 20, the appropriate box is not checked off.

How is it that this can proceed any further if only 5 off-sale licenses is allowed for this census tract?

Thank you,

Larry Burg

50 Laguna St.

415.552.1214



Virus-free. www.avg.com