

File No. 190610

Committee Item No. 1

Board Item No. 49

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Comm: Public Safety & Neighborhood Services

Date: July 11, 2019

Board of Supervisors Meeting:

Date: July 23, 2019

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

OTHER

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Police Department Responses</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>OClI Response - June 13, 2019</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral - May 28, 2019</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>License Query - June 27, 2019</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>PC or N Request Letter - May 24, 2019</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Form ABC-211 - Mar 12, 2019</u> |

Prepared by: John Carroll

Date: July 5, 2019

Prepared by: John Carroll

Date: July 16, 2019

1 [Liquor License Transfer - 1101-4th Street - Gus's Community Market]

2
3 **Resolution determining that the premise-to-premise transfer of a Type-21 off-sale**
4 **general beer, wine, and distilled spirits liquor license to Gus's Market**
5 **Channel, LLC, doing business as Gus's Community Market, located at 1101-4th**
6 **Street (District 6), will serve the public convenience or necessity of the City and**
7 **County of San Francisco; and requesting that the California Department of**
8 **Alcoholic Beverage Control impose conditions on the issuance of the license.**

9
10 WHEREAS, Gus's Community Market, LLC. is seeking the premise-to-premise
11 transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to do
12 business as Gus's Community Market, located at 1101-4th Street (District 6); and

13 WHEREAS, The subject service premise is located on a parcel within the land
14 use jurisdiction of the Office of Community Investment and Infrastructure (OCII);
15 OCII has verified that the area is properly 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 12:00 a.m. (midnight) each day of the week; 2)
23 Petitioner(s) shall actively monitor the area under their control in an effort to prevent the
24 loitering of persons on any property adjacent to the licensed premises as depicted on
25 the most-recently certified ABC-253; 3) No noise shall be audible at any nearby

1 residence or consideration point; and 4) No wine shall be sold in bottles or containers
2 small than 375 milliliters; 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 premise-to-premise transfer of a Type-21 general beer,
6 wine, and distilled spirits liquor license to Gus's Community Market, LLC, doing
7 business as Gus's Community Market located at 1101-14th Street, will serve the public
8 convenience or necessity of the City and 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.

Carroll, John (BOS)

From: Beth Aboulafia <Aboulafia@Beveragelaw.com>
Sent: Thursday, July 11, 2019 9:17 AM
To: Carroll, John (BOS)
Subject: FW: Signed copy letter Matt Haney
Attachments: Signed copy letter Matt Haney.pdf
Categories: 2019.07.11 - PSNS, 190610

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

John,

Here's a signed copy.

Beth Aboulafia
Partner | Hinman & Carmichael LLP
260 California Street, Suite 700, San Francisco, CA 94111
P: 415.362.1215 x104 | F: 415.362.1494 | E: aboulafia@beveragelaw.com

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From: Ruth Selby <ruthselby@gmail.com>
Sent: Thursday, July 11, 2019 9:00 AM
To: Peter Impala
Subject: Signed copy letter Matt Haney

Here you go!
Thanks,
Ruth

Ruth Selby
3701 Kirkham St
San Francisco, CA 94122
ruthselby@gmail.com
858-518-9875

Supervisor Matt Haney, District 6
San Francisco City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

July 10th, 2019

Dear Supervisor Haney,

I write regarding the transfer of an ABC off sale liquor license, type 21 #555651, from the Sunset District to Gus' Market at 1101 4th St. in Mission Bay. This transfer is pending review by the Board of Supervisors; the ABC has received no public complaints against the transfer to date.

I urge you to approve this license transfer, for several reasons.

The existing small business in the Sunset District, the Outer Sunset Taproom at 3465 Lawton St., at 43rd Ave, has no use for this license. The premise was previously a run-down liquor store. When I purchased that business in 2015, I remodeled and reopened as Lawton Trading Post, a gourmet market and deli. I did use the license until 2016, at which point I closed the business. The location is currently a craft beer taproom and neighborhood eatery, operated by Seven Stills Brewery and Distillery, whose main brewery is in the Bayview. Seven Stills has no use for the type 21 license.

Since 2016, I have tried twice to sell this license and thus recover some of the losses from closing my business. The first attempted license transfer was to a proposed BevMo on Kearney St, which the City denied because BevMo is a formula retailer. The second attempted license transfer was to a steakhouse and sake emporium at One Henry Adams, which the ABC denied because the concept was too fluid between on premise and off premise alcohol sales. This current transfer is to Gus' Market, a local, family-owned small business operating in the City since 1981. The type 21 license would allow Gus' Market to sell beer, wine and spirits, along with groceries and produce. With its focus on community, fresh prepared foods, and quality groceries, Gus' Market serves as a neighborhood anchor in the districts in which they operate.

As you are Supervisor of the district the license will move into, your vote is crucial. I ask you to approve this license transfer. Please contact me with any questions or issues.

Sincerely,

Ruth Selby



Carroll, John (BOS)

From: Beth Aboulafia <Aboulafia@Beveragelaw.com>
Sent: Thursday, July 11, 2019 9:06 AM
To: Carroll, John (BOS)
Subject: Gus's Market - PCN
Attachments: letter to Matt Haney.pdf

Categories: 190610, 2019.07.11 - PSNS

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

Hi John,

It's my understanding that this letter was sent to Supervisor Haney's office. Do you know if it's been received?

Thanks,

Beth Aboulafia
Partner | Hinman & Carmichael LLP
260 California Street, Suite 700, San Francisco, CA 94111
P: 415.362.1215 x104 | F: 415.362.1494 | E: aboulafia@beveragelaw.com

NOTICE: This email and all attachments are CONFIDENTIAL and intended SOLELY for the recipients as identified in the "To," "Cc" and "Bcc" lines of this email. If you are not an intended recipient, your receipt of this email and its attachments is the result of an inadvertent disclosure or unauthorized transmittal. Sender reserves and asserts all rights to confidentiality, including all privileges that may apply. Pursuant to those rights and privileges, immediately DELETE and DESTROY all copies of the email and its attachments, in whatever form, and immediately NOTIFY the sender of your receipt of this email. DO NOT review, copy, forward, or rely on the email and its attachments in any way. NOTICE: NO DUTIES ARE ASSUMED, INTENDED, OR CREATED BY THIS COMMUNICATION. If you have not executed a fee contract or an engagement letter, this firm does NOT represent you as your attorney. You are encouraged to retain counsel of your choice if you desire to do so. All rights of the sender for violations of the confidentiality and privileges applicable to this email and any attachments are expressly reserved.

Ruth Selby
3701 Kirkham St
San Francisco, CA 94122
ruthselby@gmail.com
858-518-9875

Supervisor Matt Haney, District 6
San Francisco City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

July 10th, 2019

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As you are Supervisor of the district the license will move into, your vote is crucial. I ask you to approve this license transfer. Please contact me with any questions or issues.

Sincerely,

Ruth Selby

Carroll, John (BOS)

From: Carroll, John (BOS)
Sent: Wednesday, July 10, 2019 9:41 AM
To: Mandelman, Rafael (BOS); Stefani, Catherine (BOS); Walton, Shamann (BOS); 'Calvillo, Angela (angela.calvillo@sfgov.org)'
Cc: George, Gigi (POL); Macchi, Patrick (POL); 'Gebb, Justin@ABC'; 'Meyer, Rose @ABC'; 'Bernardino, Joan@ABC'; CPC.Referrals; Christensen, Michael (CPC); Campos, Jose (CII); Gordon, Nelly (POL); Wong, Joanne (POL); Mahogany, Honey (BOS); Mcdonald, Courtney (BOS); RivamonteMesa, Abigail (BOS); Mundy, Erin (BOS); 'Beth Aboulaflia'; Gee, Natalie (BOS); Herzstein, Daniel (BOS); Somera, Alisa (BOS)
Subject: RE: Liquor License Transfer - 1101-4th Street - Gus's Community Market
Categories: 190610, 2019.07.11 - PSNS

Good morning, Chair Mandelman and members of the PSNS committee.

The Police Department has submitted a *revised* PC or N report for the subject public convenience or necessity request. For your convenience, I have their review available from the link below:

[Police Department Response - July 9, 2019](#)

The revisions correct statistical issues with the plot and census tract reporting from the below-distributed July 3 Police Department response. The Police Department has not changed their recommendation for approval with conditions, as signed by the applicants on May 31, 2019.

This request for public convenience or necessity findings will be heard by the Public Safety and Neighborhood Services Committee in a regular session on Thursday, July 11, 2019, to begin at 10:00 a.m. Here is a link to the agenda for tomorrow's meeting:


[PSNS Regular - July 11, 2019 Agenda](#)

I invite you to review the entire matter on our Legislative Research Center by following the link below:

[Board of Supervisors File No. 190610](#)

Thanks for the review.

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

 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



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 *GS*
Officer in Charge
ALU/Permits Unit 415-553-9550

Date: July 9, 2019

Subject: P.C.N. Investigation Regarding: Gus's Market Channel, Inc.
DBA: GUS'S COMMUNITY MARKET
1101-4th Street
San Francisco, CA. 94158-2231

Gus's Community Market has filed an application with the California Department of Alcoholic Beverage Control seeking a Type 21 (Off-Sale General) license to be located at 1101-4th Street (located Channel St./ 4th St.)

Hours of Operation:

7:00 a.m. to 12:00 a.m. (Midnight) each day of the week.

Digest:

Gus's Community Market would like to operate an upscale retail grocery located at 1101-4th Street. If approved, this license will allow Gus's Community Market to sell Beer, Wine and Distilled Spirits Off-Sale.

Letters of Protest

0

Letters of Support

0

Police Calls for Service:

From March 2018 to March 2019

2 calls for service

Police Reports:

From March 2018 to March 2019

1 police reports

San Francisco Plot Information:

This premise is located in Plot: 295

A High Crime area is defined as 101 or more police reports in a plot for the year of 2018.

This plot had 101 police reports for 2018, which is at the Citywide "High Crime" average

State Census Tract Information:

This premise is located in Census Tract: 607.00
Population for this tract is: 9,083

On-sale license authorized by census tract: 31
Active on-sale licenses: 61 with 0 pending

Off-sale licenses authorized by census tract: 8
Active off-sale licenses: 5 with 0 pending

Departmental Recommendation:

Points of consideration: 1 (Mission Bay Park)

No opposition from Southern Station.

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

Applicant premise is located in a "Low Concentration" area.

0 - Protest.

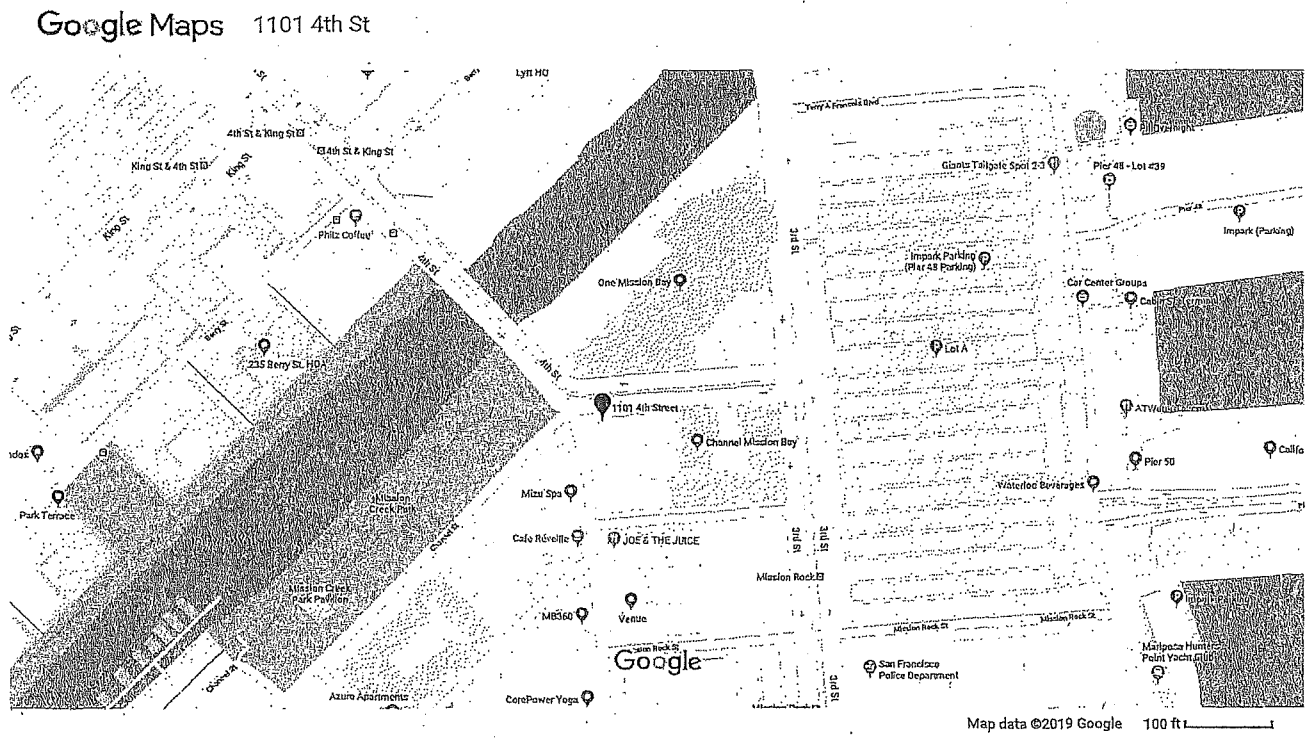
0 - Support

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 12:00 a.m. (Midnight) each day of the week.
2. 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 the most recently certified ABC-253.
3. No noise shall be audible at any nearby residence or consideration point.
4. No wine shall be sold in bottles or containers smaller than 375ml.

It should be noted that on May 31, 2019 the applicant agreed to the above listed recommended conditions.



<https://www.google.com/maps/place/1101+4th+St,+San+Francisco,+CA+94158/@37.7745067,-122.3909667,17.95z/data=!4m13!1...> 7/3/19

Google Maps 4th St

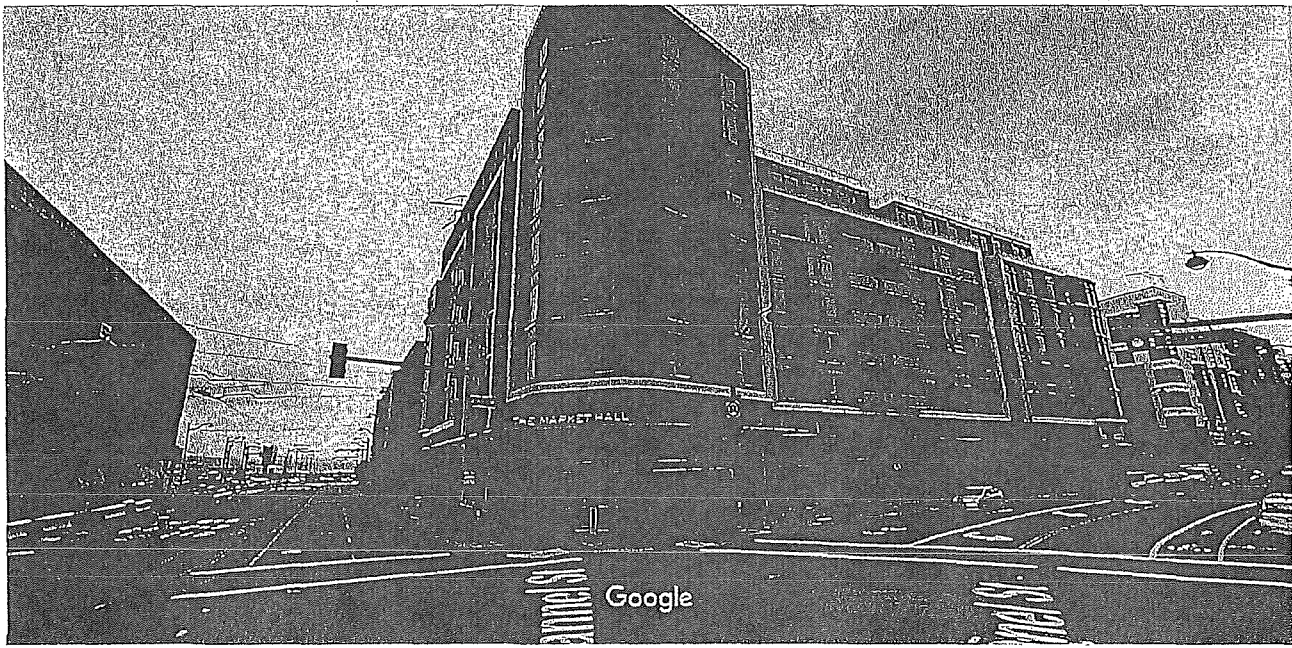


Image capture: Apr 2017 © 2019 Google

San Francisco, California

Google

Street View - Apr 2017

<https://www.google.com/maps/place/1101+4th+St,+San+Francisco,+CA+94158/@37.774399,-122.3917585,3a,60y,114.44h,104.83...> 7/3/19

Carroll, John (BOS)

From: Carroll, John (BOS)
Sent: Wednesday, July 03, 2019 2:11 PM
To: Mahogany, Honey (BOS); Mcdonald, Courtney (BOS); RivamonteMesa, Abigail (BOS); Mundy, Erin (BOS); Beth Aboulafia
Cc: George, Gigi (POL); Macchi, Patrick (POL); Gebb, Justin@ABC; Meyer, Rose @ABC; Bernandino, Joan@ABC; CPC.Referrals; Christensen, Michael (CPC); Campos, Jose (CII); Gordon, Nelly (POL); Wong, Joanne (POL)
Subject: RE: Liquor License Transfer - 1101-4th Street - Gus's Community Market
Categories: 2019.07.11 - PSNS, 190610

Good afternoon,

The Police Department has completed their review of the subject public convenience or necessity request, and has forwarded their recommendation for approval with conditions. For your convenience, I have their review available from the link below:

[Police Department Response - July 3, 2019](#)

The Police Department's ALU is recommending approval with the following conditions:

- 1) Sales, service, and consumption of alcoholic beverages shall be permitted only between the hours of 7:00 a.m. and 12:00 a.m. (midnight) each day of the week;
- 2) 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 the most-recently certified ABC-253;
- 3) No noise shall be audible at any nearby residence or consideration point; and
- 4) No wine shall be sold in bottles or containers small than 375 milliliters.

This request for public convenience or necessity findings may be heard by the Public Safety and Neighborhood Services Committee in a regular session on Thursday, July 11, 2019, to begin at 10:00 a.m.

I invite you to review the entire matter on our Legislative Research Center by following the link below:

[Board of Supervisors File No. 190610](#)

Thanks for the review.

John Carroll
Assistant Clerk
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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: July 3, 2019

Subject: P.C.N. Investigation Regarding: Gus's Market Channel, Inc.
DBA: GUS'S COMMUNITY MARKET
1101-4th Street
San Francisco, CA. 94158-2231

Gus's Community Market has filed an application with the California Department of Alcoholic Beverage Control seeking a Type 21 (Off Sale General) license to be located at 1101-4th Street (located Channel St./ 4th St.)

Hours of Operation:

7:00 a.m. to 12:00 a.m. (Midnight) each day of the week.

Digest:

Gus's Community Market would like to operate an upscale retail grocery located at 1101-4th Street. If approved, this license will allow Gus's Community Market to sell Beer, Wine and Distilled Spirits Off-Sale.

Letters of Protest

0

Letters of Support

0

Police Calls for Service:

From March 2018 to March 2019

2 calls for service

Police Reports:

From March 2018 to March 2019

1 police reports

San Francisco Plot Information:

This premise is located in Plot: 295

A High Crime area is defined as 85 or more police reports in a plot for the year of 2018.

This plot had 101 police reports for 2018, which is 16 more than the Citywide "High Crime" average

State Census Tract Information:

This premise is located in Census Tract: 607.00

Population for this tract is: 9,083

On-sale license authorized by census tract: 31

Active on-sale licenses: 136 with 0 pending

Off-sale licenses authorized by census tract: 8

Active off-sale licenses: 36 with 0 pending

Departmental Recommendation:

Points of consideration: 1

No opposition from Southern Station.

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

Applicant premise is located in a "High Concentration" area.

0 - Protest.

0 - Support

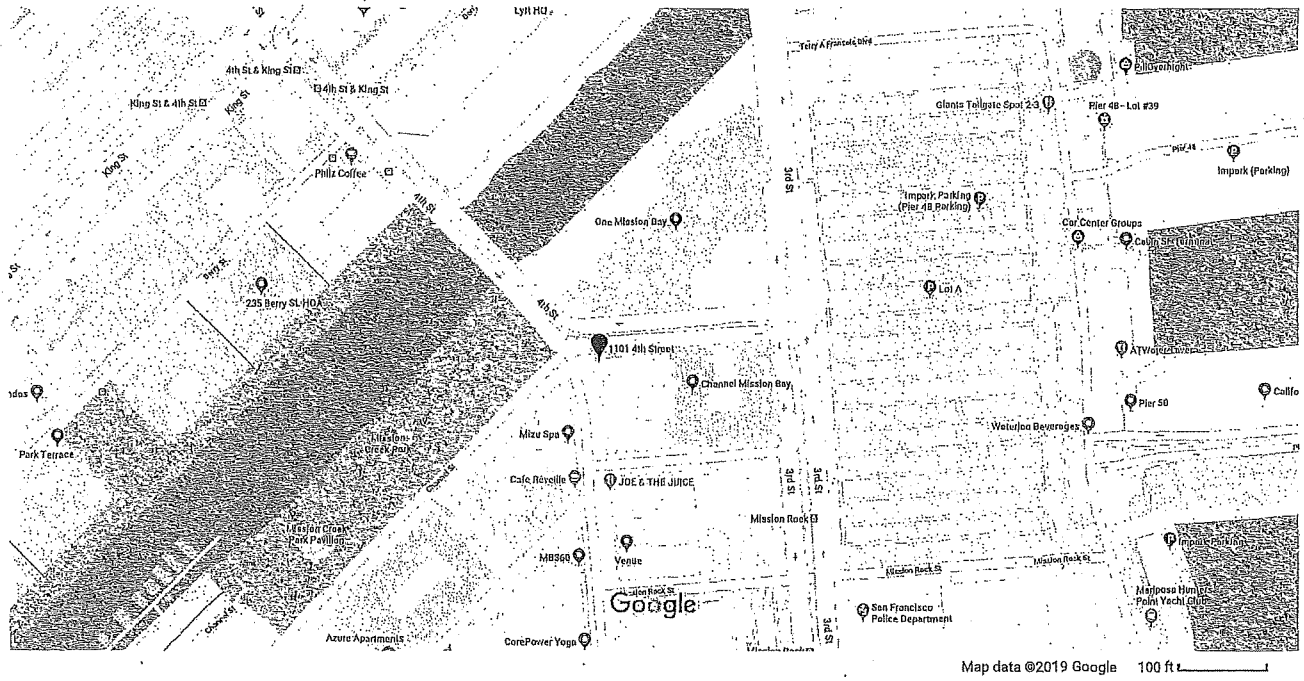
ALU Recommendation: Approval with following conditions:

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 12:00 a.m. (Midnight) each day of the week.
2. 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 the most recently certified ABC-253.
3. No noise shall be audible at any nearby residence or consideration point.
4. No wine shall be sold in bottles or containers smaller than 375ml.

It should be noted that on May 31, 2019 the applicant agreed to the above listed recommended conditions.

Google Maps 1101 4th St



<https://www.google.com/maps/place/1101+4th+St,+San+Francisco,+CA+94158/@37.7745067,-122.3909667,17.95z/data=!4m13!1...> 7/3/19

Google Maps 4th St

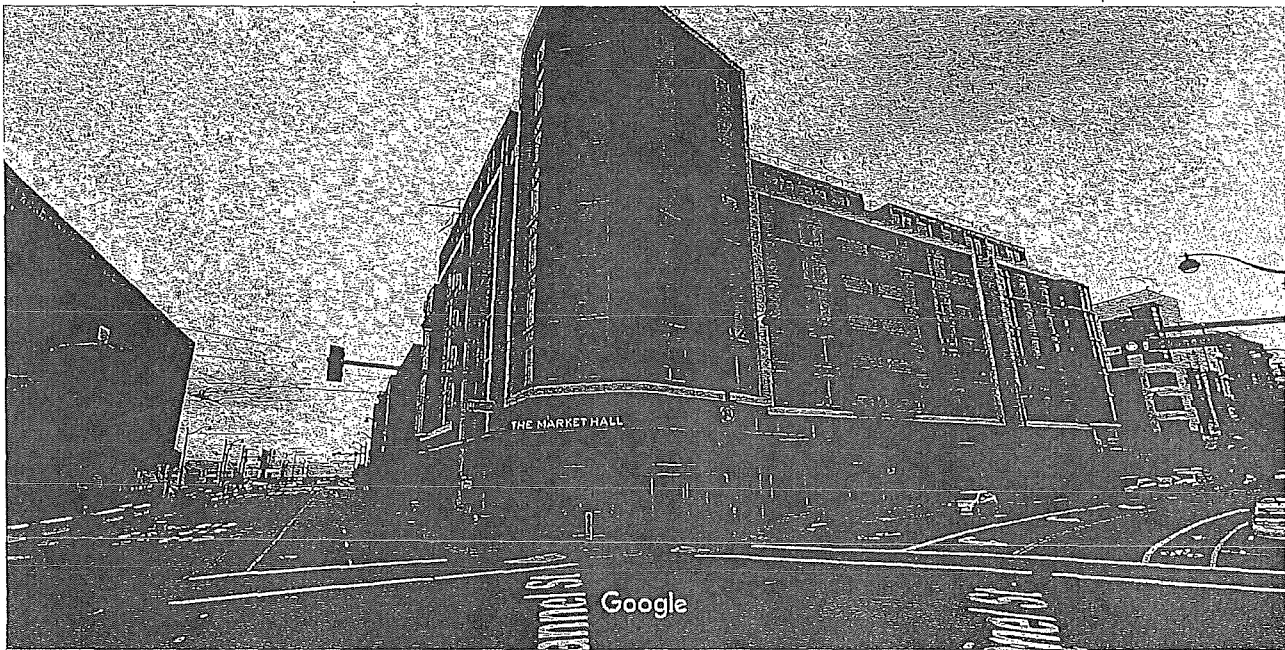


Image capture: Apr 2017 © 2019 Google

San Francisco, California

Google

Street View - Apr 2017

<https://www.google.com/maps/place/1101+4th+St,+San+Francisco,+CA+94158/@37.774399,-122.3917585,3a,60y,114.44h,104.83...> 7/3/19

Carroll, John (BOS)

From: Carroll, John (BOS)
Sent: Monday, June 17, 2019 2:17 PM
To: Carroll, John (BOS)
Subject: FW: Liquor License Transfer - 1101-4th Street - Gus's Community Market

Categories: 190610

From: Campos, Jose (CII)
Sent: Thursday, June 13, 2019 4:43 PM
To: Carroll, John (BOS) <john.carroll@sfgov.org>; Powell, Georgia (CPC) <georgia.powell@sfgov.org>
Cc: Christensen, Michael (CPC) <michael.christensen@sfgov.org>; Slutzkin, Marc (CII) <marc.slutzkin@sfgov.org>; Heckman, Gretchen (CII) <gretchen.heckman@sfgov.org>; Henry, Nikki (CII) <nikki.henry@sfgov.org>
Subject: RE: Liquor License Transfer - 1101-4th Street - Gus's Community Market

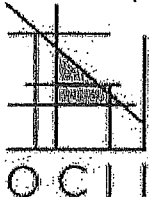
Thank you, John,

Retail sale of beer, wine and distilled spirits is permitted at 1101 Fourth Street, at Gus's Community Market, by the Mission Bay South Redevelopment Plan, which serves as a land use legislation controlling zoning for the Mission Bay South Redevelopment Project Area.

Please let me know if this is sufficient information and if this email serves as a sufficient determination for purposes of the Public Convenience or Necessity Request.

Thank you,

José Campos



office of
COMMUNITY INVESTMENT
and INFRASTRUCTURE

José Campos
Manager of Planning and Design Review

📍 One South Van Ness Avenue, 5th Floor
San Francisco, California 94103
📞 +1.415.749.2554
🌐 www.sfocii.org

Carroll, John (BOS)

From: Carroll, John (BOS)
Sent: Monday, June 17, 2019 4:48 PM
To: Gordon, Nelly (POL)
Cc: George, Gigi (POL); Macchi, Patrick (POL); Mundy, Erin (BOS); Gebb, Justin@ABC; Meyer, Rose @ABC; Bernardino, Joan@ABC; Mahogany, Honey (BOS); Mcdonald, Courtney (BOS); RivamonteMesa, Abigail (BOS); Beth Aboulafia; CPC.Referrals; Christensen, Michael (CPC); Campos, Jose (CII); Powell, Georgia (CPC)
Subject: RE: Liquor License Transfer - 1101-4th Street - Gus's Community Market
Categories: 190610

Good afternoon,

The subject service premise is located on a parcel within the land use jurisdiction of the Office of Community Investment and Infrastructure.

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

[OClI Response - Received June 13, 2019](#)

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 on July 11 of 2019.

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

[Board of Supervisors File No. 190610](#)

Thanks for the review.

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

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

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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

From: Carroll, John (BOS)

Sent: Tuesday, May 28, 2019 4:27 PM

To: CPC.Referrals <CPC.Referrals@sfgov.org>; Gordon, Nelly (POL) <nelly.gordon@sfgov.org>; Powell, Georgia (CPC) <georgia.powell@sfgov.org>; Christensen, Michael (CPC) <Michael.Christensen@sfgov.org>

Cc: George, Gigi (POL) <gigi.george@sfgov.org>; Macchi, Patrick (POL) <patrick.macchi@sfgov.org>; Mundy, Erin (BOS) <erin.mundy@sfgov.org>; Gebb, Justin@ABC <justin.gebb@abc.ca.gov>; Meyer, Rose @ABC <Rose.Meyer@ABC.ca.gov>; Bernandino, Joan@ABC <Joan.Bernandino@abc.ca.gov>; Mahogany, Honey (BOS) <honey.mahogany@sfgov.org>; Mcdonald, Courtney (BOS) <courtney.mcdonald@sfgov.org>; RivamonteMesa, Abigail (BOS) <abigail.rivamontemesa@sfgov.org>; Beth Aboulaflia <Aboulaflia@Beveragelaw.com>

Subject: Liquor License Transfer - 1101-4th Street - Gus's Community Market

Good afternoon,

The office of the Clerk of the Board has received a letter requesting public convenience or necessity findings for a liquor license. This matter is being referred to you for response via the following linked document:

[Referral Letter - Planning and Police Departments - May 28, 2019](#)

You may review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 190610](#)

I note that this parcel may be under the jurisdiction of the Office of Community Investment and Infrastructure.

After receiving review from the Planning and Police Departments, 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 consideration in the license matter.

The Public Safety and Neighborhood Services Committee will tentatively schedule this hearing for a regular meeting in July of 2019.

I request the Planning Department's response before June 14, 2019. Please confirm receipt of this message.

You may review the fact sheet for public convenience or necessity requests from the San Francisco Board of Supervisors via the following link:

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

Thanks for the review.

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

Carroll, John (BOS)

From: Carroll, John (BOS)
Sent: Tuesday, May 28, 2019 4:27 PM
To: CPC.Referrals; Gordon, Nelly (POL); Powell, Georgia (CPC); Christensen, Michael (CPC)
Cc: George, Gigi (POL); Macchi, Patrick (POL); Mundy, Erin (BOS); Gebb, Justin@ABC; Meyer, Rose @ABC; Bernardino, Joan@ABC; Mahogany, Honey (BOS); Mcdonald, Courtney (BOS); RivamonteMesa, Abigail (BOS); Beth Aboulafia
Subject: Liquor License Transfer - 1101-4th Street - Gus's Community Market
Categories: 190610

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

Thanks for the review.

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

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**LIQUOR LICENSE
PUBLIC CONVENIENCE OR
NECESSITY REFERRAL**

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

DATE: May 28, 2019

TO: Police Department
Inspector Nelly Gordon
Phone No. (415) 837-7273

AP Block/Lot Nos.: 8711/023
Zoning: MB-RA Mission Bay Rdv
Quad: MB-RA Mission Bay Rdv
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 a regular meeting in July of 2019.

PLEASE EMAIL YOUR RESPONSE BY: June 14, 2019, to John Carroll,
Public Safety and Neighborhood Services Committee Clerk.
john.carroll@sfgov.org - Phone No: 554-4445

Applicant name: Gus's Market Channel, LLC

Business name: Gus's Community Market

Application address: 1101-4th Street
San Francisco, CA 94158

Applicant contact info: Beth Aboulafia
Hinman & Carmichael LLP
415-362-1215
Aboulafia@Beveragelaw.com

PLANNING REVIEW: Approval Denial

Planning Staff Contact: _____

Please print review comments on a trailing page.

POLICE REVIEW: Approval Denial

Please print review comments in a trailing report.



California Department of Alcoholic Beverage Control
License Query System Summary as of 05/27/2019

License Information	
License Number:	597870
Primary Owner:	GUS'S MARKET CHANNEL, LLC
ABC Office of Application:	24 - SAN FRANCISCO

Business Name
GUS'S COMMUNITY MARKET

Business Address	
1101 4TH ST	
SAN FRANCISCO, CA. 94158	
County: SAN FRANCISCO	Census Tract: 0607.00

Licensee Information
Licensee: GUS'S MARKET CHANNEL, LLC
Company Information
OFFICER: VARDAKASTANIS, BOBBY (MANAGING MEMBER)
OFFICER: VARDAKASTANIS, DIMITRI (MANAGING MEMBER)
OFFICER: VARDAKASTANIS, GEORGIA KONSTANT (MANAGING MEMBER)
MEMBER: VARDAKASTANIS, BOBBY
MEMBER: VARDAKASTANIS, DIMITRI
MEMBER: VARDAKASTANIS, GEORGIA KONSTANT

License Types
1) License Type: 20 - OFF-SALE BEER AND WINE
License Type Status: ACTIVE
Status Date: 11-DEC-2018 Term: 12 Month(s)
Original Issue Date: 10-DEC-2018 Expiration Date: 30-NOV-2019
Master: Y Duplicate: 0 Fee Code: P40
License Type was Transferred On: 10-DEC-2018 From: 20-551550
License Type was Transferred On: To:
2) License Type: 21 - OFF-SALE GENERAL
License Type Status: PENDING
Status Date: 07-MAR-2019 Term: 12 Month(s)
Original Issue Date: Expiration Date:
Master: Y Duplicate: Fee Code: P40
License Type was Transferred On: From: 21-555651
License Type was Transferred On: To:
3) License Type: 41 - ON-SALE BEER AND WINE - EATING PLACE
License Type Status: ACTIVE
Status Date: 11-DEC-2018 Term: 12 Month(s)
Original Issue Date: 10-DEC-2018 Expiration Date: 30-NOV-2019
Master: Y Duplicate: 0 Fee Code: P40
License Type was Transferred On: 10-DEC-2018 From: 41-551550
License Type was Transferred On: To:
4) License Type: 58 - CATERER PERMIT
License Type Status: ACTIVE
Status Date: 10-DEC-2018 Term: 12 Month(s)
Original Issue Date: 10-DEC-2018 Expiration Date: 30-NOV-2019
Master: N Duplicate: 1 Fee Code: P40
License Type was Transferred On: 10-DEC-2018 From: 41-551550
License Type was Transferred On: To:

Operating Restrictions
Sales of alcoholic beverage shall only be permitted between the hours of 8:00 a.m. and 2:00 a.m. each day of the week.
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. This conditions only applies to the Type 20 (Off Sale Beer and Wine) license.
The sale, service and consumption of powder alcohol or non-liquid alcohol based products is prohibited.
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.
Wine shall not be sold in bottles or containers smaller than 750 ml.
No noise shall be audible beyond the area under the control of the licensee(s) as defined on the ABC 257 dated 08/23/18.

Disciplinary Action
... No Active Disciplinary Action found ...

Disciplinary History

... No Disciplinary History found ...

Holds
Hold Date: 07-MAR-2019 Type: FORM 220

Escrows
... No Escrow found ...

For a definition of codes, view our glossary.



May 24, 2019

By Hand-Delivery

John Carroll
Office of the Clerk of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, California 94102

Re: Request for Resolution of Public Convenience or Necessity
Gus's Channel Market LLC, dba Gus's Community Market
1101 4th Street, San Francisco, California 94158

Dear Mr. Carroll,

Enclosed please find a request for a resolution of public convenience or necessity on behalf
Gus's Channel Market LLC ("Gus's Community Market").

If you have questions or need additional information, please don't hesitate to call or email
me.

Regards,

A handwritten signature in cursive script, appearing to read "Beth Aboulafia".

Beth Aboulafia
Hinman & Carmichael LLP

Encl.

A handwritten signature in cursive script, appearing to read "Beth Aboulafia", is written over a rectangular stamp. The stamp contains the text "BOARD OF SUPERVISORS" and "SAN FRANCISCO" on the top line, and "2019 MAY 24 PM 3:22" on the bottom line.



May 24, 2019
Angela Calvillo
Clerk of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, California 94102

Re: Request for Resolution of Public Convenience or Necessity
Gus's Market Channel LLC, dba Gus's Community Market
1101 4th St., San Francisco 94158

Dear Ms. Calvillo,

Gus's Market Channel LLC ("Gus's Community Market") has applied to the Department of Alcoholic Beverage Control for a person-to-person, premises-to-premises transfer of a Type 21 Off-Sale General license for its new market in Mission Bay. We are requesting a determination by the Board of Supervisors that public convenience or necessity will be served by issuance of the Type 21 license.

Gus's Community Market is part of a local, family-owned business that operates three similar grocery stores in the Haight Ashbury, Outer Sunset and Mission neighborhoods. Haight Street Market, located at 1530 Haight Street was established in 1981, and Noriega Produce at 3821 Noriega Street was established in 1985. Gus's Community Market at 2111 Harrison Street opened in late 2015 and was named Gus's after our father who started the business. Sadly, he passed away in 2017. However, his spirit and vision are still very much a part of how we operate our business. We were privileged to have the San Francisco Chronicle publish a feature on our family and our neighborhood markets earlier this year, upon the opening of our new Mission Bay location.

Our newest Gus's Community Market, in the Mission Bay neighborhood, occupies approximately 10,000 sq. feet on the ground floor of a residential building at the corner of 4th Street and Channel Street. The space was previously occupied by a market operating with a Type 20 off-sale beer and wine license. We took over the location, along with the existing Type 20 license, in December 2018, and would now like to replace the Type 20 license with a Type 21 license that we will be transferring to the location.



2200 JERROLD AVENUE

UNIT A

SAN FRANCISCO, CA 94124

PH 415 655 9366

FAX 415 798 0147

EMAIL INFO@GUSSMARKET.COM

GUSSMARKET.COM



The new market, like our Harrison Street location, offers a full-service deli, butcher department, full line of produce and dry goods and a small café that provides seating for customers to consume food that is prepared and purchased on-site. As with our Harrison Street market, we would like to offer a complete selection of alcoholic beverages to compliment the full-service grocery.

Our new market provides a much-needed neighborhood-serving grocery store that is within walking distance of residences, live/work units and public transit. Our hours of operation are 7am to 10pm. We have 75 employees, most of whom live in the immediate neighborhood.

We have received nothing but positive feedback from the community since opening the market in December. As part of the outreach for the new license, we mailed notices of our license application to some 900 residents within 500 feet of the premises, including over 300 residents who live within 100 feet of the premises. No objections were received. We also reached out to Terezia Nemeth, Acting Chair of Mission Bay Citizens Advisory Committee, regarding our desire to offer a full-selection of alcoholic beverages, including spirits, to our customers. Ms. Nemeth was very complimentary of our market and did not see any impediments to our proceeding with the application.

We look forward to providing a much-needed neighborhood serving grocery store that contributes positively to the Mission Bay community for many years to come. For the reasons set forth above, we respectfully request that the Board of Supervisors make a finding that issuance of the Type 21 license to Gus's Community Market will serve public convenience or necessity.

Sincerely,

Dimitri Vardakastanis
Gus's Community Market
dimitri@gusmarket.com

Attachment: SF Chronicle Article on the opening of Gus's Community Market in Mission Bay, dated January 6, 2019

	2200 JERROLD AVENUE	UNIT A	SAN FRANCISCO, CA 94124	
	PH 415 655 9366	FAX 415 796 0147	EMAIL INFO@GUSMARKET.COM	

MARKETS

Old values in a modern era

Gus's Community Market moves into Mission Bay neighborhood

By Sarah Fritsche

With the opening of the latest Gus's Community Market in San Francisco, brothers Dimitri and Bobby Vardakastanis have much to appreciate this year, such as a thriving company with four beloved grocery stores in the city.

Yet for the brothers, it is also a bittersweet affair — this is the first Gus's Community Market to open without Gus.

It's been only a little over a year since their father, Konstantinos "Gus" Vardakastanis, was killed by a hit-and-run driver while crossing the street during an early-morning trip to the San Francisco Produce Market in the Bayview.

Though the investigation into their father's death is ongoing, the brothers are forging ahead with the latest outpost of the family-run neighborhood grocery store that bears his name. Located in Mission Bay on Fourth Street, it opened during the last week of December.

"We both know he's physically not here, but he's on our side as we move forward on it, and I'm sure he's proud," says Dimitri Vardakastanis, 37.

Born and raised in San Francisco, the brothers started working in the family business when they were kids — "stocking shelves, cleaning shelves, standing on a milk crate behind the register," says Bobby Vardakastanis, 35.

Their late father, along with his wife, Georgia, opened the family's first market on Haight Street in 1981. That was followed by an outpost on Noriega in the Outer Sunset a few years later. In 2005, they opened their third store at the corner of Harrison and 17th streets in the Mission Creek neighborhood.

Now comes the latest project, in the shadow of the ballpark. At about 10,000 square feet, it has a similar footprint as the Harrison Street location, along with many of the same offerings.

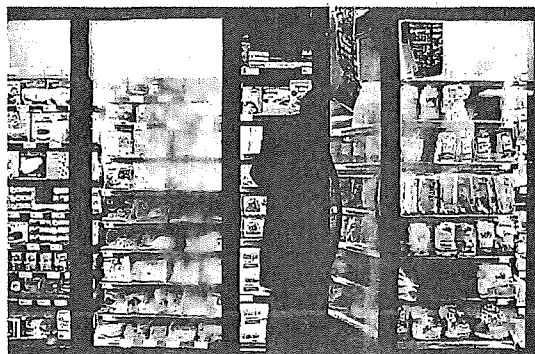
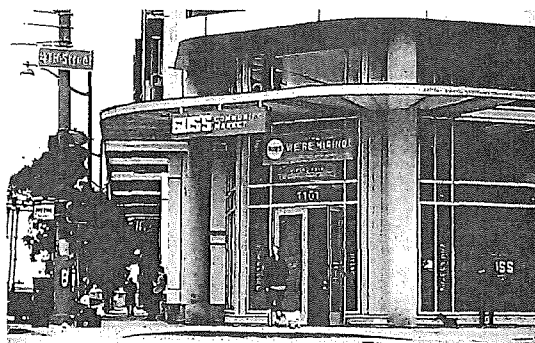
Shoppers can expect high-quality meat and seafood departments, as well as hand-picked fresh produce — the cornerstone of the family's markets. There is also a wide range of prepared foods, a number of which are based on their mother's family recipes. (In addition to looking after her grandkids, Georgia Vardakastanis is also working on a cookbook for the market.)

As the market settles in to daily operations, the brothers expect to tweak things to better fit the demands and quirks of the neighborhood. One new addition to the Fourth Street market, for example, is a ramen bar, which will eventually be added to their other locations.

"That's the beauty of being small and nimble. We're at a stage where we have a mold but we can still flex to what the neighborhood needs," says Dimitri Vardakastanis.

Like the other expansions, the Mission Bay project is another way to give their employees new opportunities for growth within the company.

"To us, that's a dream come true when you see people growing with us and put their faith in us as a business," says Bobby Vardakastanis. "They're trusting their livelihood to us. We take a lot of pride in making sure we do our job correctly to protect everybody."



At top, brothers Bobby (left) and Dimitri Vardakastanis (right) at their new Gus's Community Market (middle and above), in front of an old photo of themselves with their late father, Gus.

The Fourth Street market isn't the full extent of the family's expansion plans, either.

In the past three years, they've tripled their warehouse storage space so they have enough room to hold the bulk of products they acquire as part of their ongoing efforts to keep costs as low as possible for customers.

Come 2020, their tiny Noriega market will move up the block to a new location at 44th Avenue, allowing it to expand from the current 2,500 square feet to roughly 11,000 square feet.

"It was something that — especially after expanding our Haight Street store — our customers in the Outer Sunset were asking for," says Dimitri Vardakastanis. "People love our Noriega store. We love our Noriega store. We just want more of it."

With the Amazon-ification of Whole Foods, not to mention the push for human interaction-free shopping experiences, the fact that a market like Gus's continues to grow is something to celebrate.

"Not to judge, but they're building platforms to disconnect that one-on-one interaction with customers. We're trying to keep that connection. That's why it's so important to us," says Dimitri Vardakastanis. "You can go online and order groceries with us as an option, but what we really hope and want is that (customers) come to the store. Come meet the fishmonger, come meet the person running the deli, or anybody in the store. Chances are, that person is part of your neighborhood, your community. Not only do you get to buy your fish, you also get to interact with somebody within your neighborhood and city."

"That is more important than just buying groceries, in our mind."

That said, without the competitive nudge from larger national retailers, Gus's might not be the market it is today.

"I feel like competition makes good business owners great. It forces you to get to that next level," says Bobby Vardakastanis. "When Whole Foods moved into the Haight, (it was) our opportunity to show that we can also provide full service just like any other Whole Foods. Safeway or whatever larger chain stores can offer."

Sure, Gus's keeps up with its competition by catering to modern San Francisco shoppers, but the real draw remains that each location is a touchstone for the neighborhoods they serve.

That community investment was nowhere more evident than in the days following their father's death, when impromptu memorials blossomed in front of their stores.

"Having community in a name, it all kind of came full circle. We say it not just on a consumer level in the store, but on a larger scale," says Dimitri Vardakastanis. "Nothing lives on (in) our dad's legacy more than expanding our business and keeping the kind of legacy alive. We're happy to be pushing forward and opening this new store — and having his name on it."

Sarah Fritsche is a San Francisco Chronicle staff writer. Email: sfritsche@sfchronicle.com. Twitter/Instagram: @foodcentric

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)

ABC 211 (6/99)

Ms. UNA CAROLAN

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

File Number: 597870
Receipt Number: 2558472
Geographical Code: 3800
Copies Mailed Date: March 7, 2019
Issued Date:

Paralegal, Hinman &
Catmichael LLP

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
MAR 12 PM 3:16
(415) 361-1215

DISTRICT SERVING LOCATION: SAN FRANCISCO
First Owner: GUS'S MARKET CHANNEL, LLC
Name of Business: GUS'S COMMUNITY MARKET
Location of Business: 1101 4TH ST
SAN FRANCISCO, CA 94158-2231
County: SAN FRANCISCO
Is Premise inside city limits? Yes
Mailing Address: 2200 JERROLD AVE
STE A
SAN FRANCISCO, CA 94124-1036

Census Tract 0607.00

Type of license(s): 21

Transferor's license/name: 555651 / LAWTON TRADING POST
LLC

Dropping Partner: Yes No

Table with 7 columns: License Type, Transaction Type, Fee Type, Master, Dup, Date, Fee. Rows include Off-Sale General licenses with annual, premise transfer, and person-to-person transfer fees.

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

Explain any "Yes" answer to the above questions on an attachment which shall be deemed part of this application.

Applicant agrees (a) that any manager employed in an on-sale licensed premises will have all the qualifications of a licensee, and (b) that he will not violate or cause or permit to be violated any of the provisions of the Alcoholic Beverage Control Act.

STATE OF CALIFORNIA County of SAN FRANCISCO Date: March 7, 2019

Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He is an applicant, or one of the applicants, or an executive officer of the applicant corporation, named in the foregoing application, duly authorized to make this application on its behalf; (2) that he has read the foregoing and knows the contents thereof and that each of the above statements therein made are true; (3) that no person other than the applicant or applicants has any direct or indirect interest in the applicant or applicant's business to be conducted under the license(s) for which this application is made; (4) that the transfer application or proposed transfer is not made to satisfy the payment of a loan or to fulfill an agreement entered into more than ninety (90) days preceding the day on which the transfer application is filed with the Department or to gain or establish a preference to or for any creditor or transferor or to defraud or injure any creditor of transferor; (5) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

Effective July 1, 2012, Revenue and Taxation Code Section 7057, authorizes the State Board of Equalization and the Franchise Tax Board to share taxpayer information with Department of Alcoholic Beverage Control. The Department may suspend, revoke, and refuse to issue a license if the licensee's name appears in the 500 largest tax delinquencies list. (Business and Professions Code Section 494.5.)

Applicant Name(s)

Applicant Signature(s)

GUS'S MARKET CHANNEL, LLC

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date _____

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Clerk of the Board

Subject:

Liquor License Transfer - 1101-4th Street - Gus's Community Market

The text is listed below or attached:

Hearing to consider that the premise-to-premise transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to Gus's Market Channel, LLC, doing business as Gus's Community Market, located at 1101-4th Street Street (District 6), will serve the public convenience or necessity of the City and County of San Francisco.

Signature of Sponsoring Supervisor: Alisa Gomez

For Clerk's Use Only: