

File No. 211171

Committee Item No. 1

Board Item No. 21

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Comm: Public Safety & Neighborhood Services

Date: March 10, 2022

Board of Supervisors Meeting:

Date: March 22, 2022

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>Public Convenience or Necessity Request Letter, dtd 10/26/21</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Public Convenience or Necessity Referral, dtd 110821</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Planning Department Recommendation, dtd 3/4/22</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Police Department Recommendation, dtd 3/3/22</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Applicant Presentation, dtd 3/10/2022</u> |

Prepared by: Alisa Somera

Date: March 4, 2022

Prepared by: Alisa Somera

Date: March 17, 2022

1 [Liquor License Transfer - 453 O'Farrell Street - Wally's Community Market and Deli]

2

3 **Resolution determining that the transfer of a Type-48 on-sale general public**
4 **premises liquor license to Xpress Market Inc., doing business as Wally’s**
5 **Community Market and Deli, located at 453 O’Farrell Street (District 6), will serve**
6 **the public convenience or necessity of the City and County of San Francisco; and**
7 **requesting that the California Department of Alcoholic Beverage Control impose**
8 **conditions on the issuance of the license.**

9

10 WHEREAS, Xpress Market Inc., is seeking a Type-48 on-sale general public
11 premises liquor license to do business as Wally’s Community Market and Deli, located
12 at 453 O’Farrell Street (District 6); 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 zero 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 condition recommended by the Police Department is the
20 following: 1) Petitioner(s) shall actively monitor the area under their control in an effort
21 to prevent the loitering of persons on any property adjacent to the licensed premises as
22 depicted on ABC-253; now, therefore, be it

23 RESOLVED, That in accordance with California Business and Professions Code,
24 Section 23958.4, the Board of Supervisors of the City and County of San Francisco
25 hereby determines that a Type-48 on-sale general public premises liquor license to

1 Xpress Market Inc., doing business as Wally's Community Market and Deli, located at
2 453 O'Farrell Street (District 6), will serve the public convenience or necessity of the
3 City and County of San Francisco; and, be it

4 FURTHER RESOLVED, That the Board of Supervisors of the City and County of
5 San Francisco hereby endorses and adopts the recommendations of the Police
6 Department listed above and recommends that the Department of Alcoholic Beverage
7 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 Gordon Mar
Supervisor Catherine Stefani
Supervisor Matt Haney

From: Lt. Steve Jonas #79 
Officer in Charge
ALU/Permits Unit 415-553-9550

Date: March 3, 2022

Subject: P.C.N. Investigation Regarding: Xpress Market, Inc.
DBA: Xpress Market, Inc.
453 Ofarrell St.
San Francisco, CA. 94102-2009

Xpress Market, Inc. has filed an application with the California Department of Alcoholic Beverage Control seeking a Type 21 (Off-Sale General) license to be located at 453 Ofarrell St. (located Jones St. and Taylor St.)

Hours of Operation:

6:00 a.m. to 2:00 a.m. each day of the week.

Digest:

Xpress Market would like to operate a community market and deli at 453 Ofarrell St. If approved, this license will allow them to sell Beer, Wine and Distilled Spirits.

Letters of Protest

0

Letters of Support

0

Police Calls for Service:

From October 2020 to October 2021

2 calls for service

Police Reports:

From October 2020 to October 2021

2 police reports

San Francisco Plot Information:

This premise is located in Plot: **172**

A High Crime area is defined as **84** or more police reports in a plot for the year of **2020**.

This plot had 272 police reports for **2020**, which is **100 higher** than the **Citywide "High Crime"** average

State Census Tract Information:

This premise is located in Census Tract: **123.01**

Population for this tract is: **2,734**

On-sale license authorized by census tract: **9**

Active on-sale licenses: 39 with 0 pending

Off-sale licenses authorized by census tract: **2**

Active off-sale licenses: 8 with 0 pending

Departmental Recommendation:

Points of consideration: **0**

No opposition from **Tenderloin Station**.

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

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

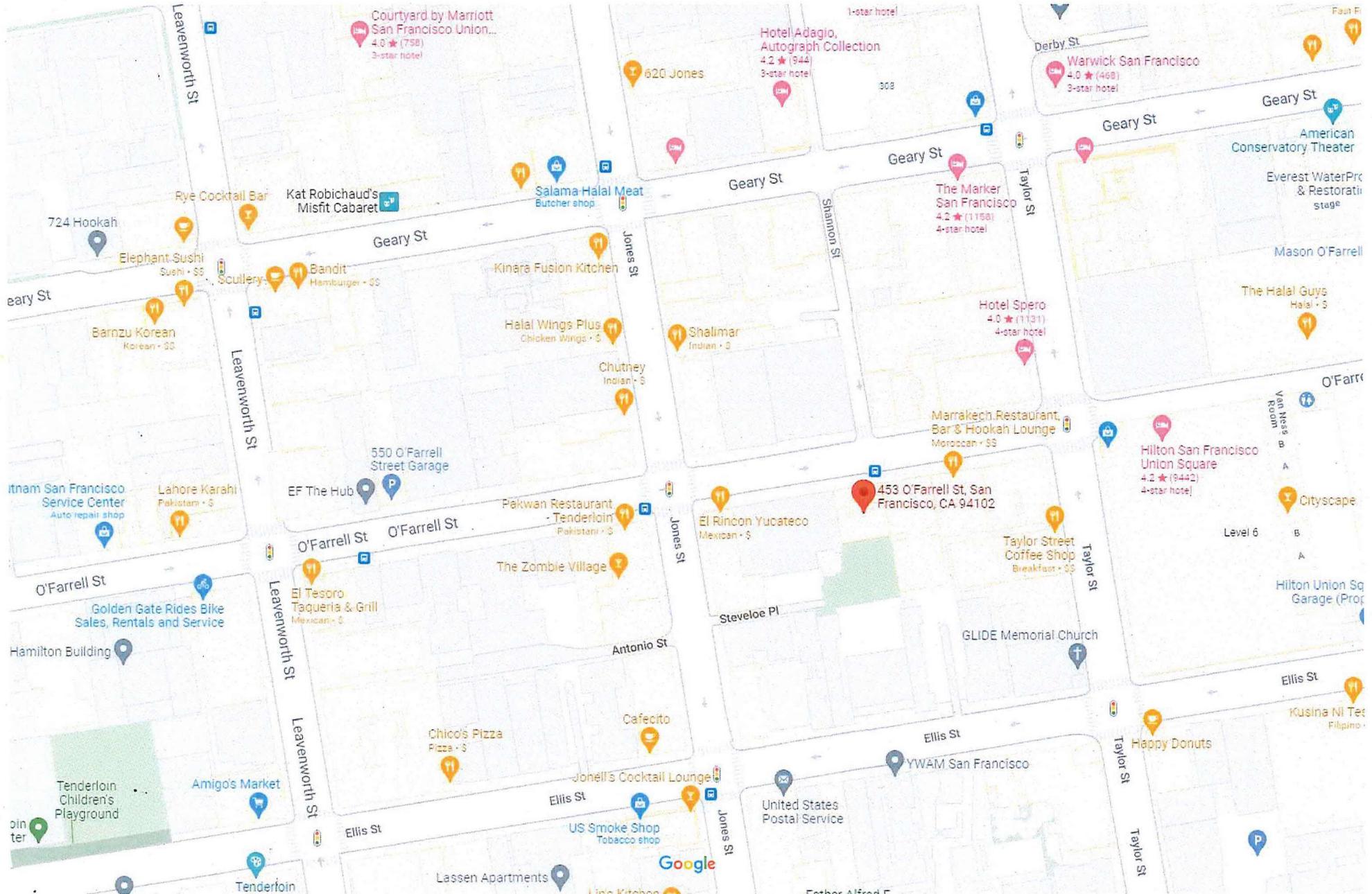
0 - Protest.

0 - Support

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

Conditions for Type 21- Off-Sale General

1. 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.



**LIQUOR LICENSE
PUBLIC CONVENIENCE OR
NECESSITY REFERRAL**

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

DATE: November 8, 2021
AP Block/Lot Nos.: 0324 / 020
Zoning: RC-4
Quad: _____
Record No.: _____

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

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 2022.

PLEASE EMAIL YOUR RESPONSE BY December 31, 2021, to Alisa Somera, Public Safety and Neighborhood Services Committee Clerk.

alisa.somera@sfgov.org - Phone No: (415) 554-7711

Applicant name: Khaled Mashal

Business name: Xpress Market Inc

Application address: 453 O'Farrell Street
San Francisco, CA 94102

Applicant contact info: 260 King Street, Unit 1605
San Francisco, CA 94107
mashalh@yahoo.com ~ (415) 202-3965

PLANNING REVIEW: Approval Denial

Planning Staff Contact: Michelle Langlie 628.652.7410

Please print review comments on a trailing page.

POLICE REVIEW: Approval Denial

Please print review comments in a trailing report.

Khaled Mashal
260 King Street unit 1605
San Francisco CA 94107
October

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2021 OCT 26 PM 3:21

BY CM

To whom it may concern, I would like to file a PCN for a liquor license premises to premises transfer from 498 O'Farrell Street to 453 O'Farrell St.

1) Applicant's name and contact information, including a daytime phone number and email address;

- **Khaled Mashal**
- **415.202.3965**
- **Mashalh@yahoo.com**

2) The name and address for the applicant's business

- **Xpress Market Inc DBA Wally's Community Market and Deli**
- **453 O'Farrell Street**

3) The applicant's mailing address (if different from the above)

- **260 King Street Unit 1605 San Francisco CA 94107**

4) The license type the applicant is seeking from the California Department of Alcoholic Beverage Control, and whether the license will be a new issuance or a transfer of an existing license

- **Type 21**
- **This is a premises to premises transfer from 498 O'Farrell St o 453 O'Farrell Street for an existing license**

5) The proposed business hours of operation;

- **6AM to 2AM daily**

6) When and how the applicant filed the application for the liquor license with the California Department of Alcoholic Beverage Control

- **In person at ABC San Francisco Office on Sept 13, 2021 for a premises to premises transfer.**

7) When and how the applicant completed the noticing requirements for the liquor license, pursuant to state law

- **ABC Poster on window 10/26/2021**
- **500 Foot radius Mailer to be sent out on 10/29/2021**

8) An explanation for how the license will serve the public convenience or necessity in the neighborhood and city-wide.

This community market and deli at 453 O'Farrell Street will be one stop shopping for many residents in the surrounding area with the added benefit of live nutrition from the deli, fruits and vegetables that will be offered. Such nutrition is rarely found in tenderloin stores as most stores simply serve frozen and/or processed and prepackaged goods. Furthermore, SF Planning has revealed a large housing project across the street from this location at 450 O'Farrell Street. This influx of people to the neighborhood will only further the need for such a community market. Also, after these unprecedented times, Covid 19 has claimed many retail businesses in this wake. The city of San Francisco is going through what some supervisors have called retail death. This can only be remedied by allowing new business to open.

Previously this license was four doors down at 498 O'Farrell street since the early 1980's as Xpress Market. With a sparkling track record with the ABC and SFPD (please see attached

commendation from SFPD) our services have been an integral part of the community in this corridor of the tenderloin. Everyone in this neighborhood knows me and my family by name and I would simply like the opportunity to move 40 feet away and move my business to a space where the rent is more reasonable, and I can continue to serve the same community.



LONDON N. BREED
MAYOR

CITY AND COUNTY OF SAN FRANCISCO
POLICE DEPARTMENT
HEADQUARTERS
1245 3RD Street
San Francisco, California 94158



WILLIAM SCOTT
CHIEF OF POLICE

December 18, 2019

XPRESS MARKET INC
C/O XPRESS MARKET
498 O'FARRELL ST
SAN FRANCISCO CA 94102
ABC LICENSE: 21-510609

Dear ABC Licensee/Owner,

On December 14, 2019 an alcohol minor decoy program was conducted at your business. The operation consisted of a decoy (a minor, 20 years old or younger) entering your business and purchasing or attempting to purchase an alcoholic beverage.

Your location refused the sale of an alcoholic beverage to a minor. We commend you on your diligence!

- OR -

You or your employee sold an alcoholic beverage to a minor. You or your employee was cited and the alcoholic beverage or sample of said was seized as evidence.

The San Francisco Police Department in conjunction with the California Department of Alcoholic Beverage Control (ABC) operates this program.

If you or your employee was cited, the citation will be reviewed by the District Attorney's Office. It should be noted that regardless of how the cited individual is processed by the District Attorney's Office, the California Department of Alcoholic Beverage Control (ABC) may contact the business owner and may require the business owner to appear before them.

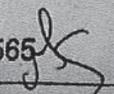
In the event you or your employee refused the sale of an alcoholic beverage to a minor, we would like to congratulate you on your effort. Further, we suggest that you remind your employees that this is an on-going program.

Questions regarding this incident may be referred to the SFPD ABC Liaison Unit at (415) 553 1190.

Working together, San Francisco will be an unwelcome place for underage drinkers.

Sincerely,

William Scott
Chief of Police

By: LT. GEORGIA SAWYER #1565 
Lieutenant Georgia Sawyer
Officer in Charge
ABC Liaison/Permits Unit



3/4/2022

Assistant Clerk of the Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

Re: BOS referral - Liquor License Public Convenience or Necessity Referral
Planning Department Files No. 2021-010420MIS and 2021-011435MIS

To Whom It May Concern:

The Planning Department is recommending approval of the pending Type 21 - Off-Site General application. Per the attached ABC referral response, a Type 21 ABC License is permitted in conjunction with a General Grocery dba Xpress Market. BPA for change of use issued 2/1/2022; Conditional Use Authorization 2021-009937CUA for existing convenience mart approved 2/3/2022. Relocation of an off-sale liquor license from 498 O'Farrell Street to 453 O'Farrell Street.

If you have any questions related to Planning's evaluation, please contact me at 628-652-7410.

Sincerely,
Michelle Langlie

Michelle M. Langlie (she/her/hers)
Senior Preservation Planner | PIC Specialist
Northeast Team | Current Planning
San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7410 | General Inquiries: pic@sfgov.org | www.sfplanning.org
[San Francisco Property Information Map](#)

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)

ABC 211 (6/99)

Khaled Mashal

(415) 202-3965

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

File Number: 632113
Receipt Number: 2688465
Geographical Code: 3800
Copies Mailed Date: October 7, 2021
Issued Date:

DISTRICT SERVING LOCATION: SAN FRANCISCO 0324/020
First Owner: XPRESS MARKET INC NE
Name of Business: XPRESS MARKET INC RC-4
Location of Business: 453 OFARRELL ST 2021-010420MIS
SAN FRANCISCO, CA 94102-2009
County: SAN FRANCISCO
Is Premises inside city limits? Yes Census Tract: 0123.01
Mailing Address:(If different from premises address) 260 KING ST
UNIT 765
SAN FRANCISCO, CA 94107-6412
Type of license(s): 21 Dropping Partner: Yes No
Transferor's license/name: 510609 / XPRESS MARKET INC

<u>License Type</u>	<u>Transaction Type</u>	<u>Master</u>	<u>Secondary LT And Count</u>		
21 - Off-Sale General	PRM	Y			

<u>License Type</u>	<u>Transaction Description</u>	<u>Fee Code</u>	<u>Dup</u>	<u>Date</u>	<u>Fee</u>
Application Fee	FEDERAL FINGERPRINTS	NA	1	10/07/21	\$24.00
Application Fee	PREMISES TO PREMISES TRF	NA	0	10/07/21	\$780.00
Application Fee	STATE FINGERPRINTS	NA	1	10/07/21	\$39.00
Total					\$843.00

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

STATE OF CALIFORNIA County of SAN FRANCISCO Date: October 7, 2021

Applicant Name(s)

XPRESS MARKET INC

Recommend Approval - Type 21 ABC License is permitted in conjunction with a General Grocery dba Xpress Market. BPA for change of use issued 2/1/2022; Conditional Use Authorization 2021-009937CUA for existing convenience mart approved 2/3/2022. Relocation of an off-sale liquor license from 498 O'Farrell Street to 453 O'Farrell St.

Michelle M. Langlie

Michelle Langlie, Senior Planner
SF Planning
628.652.7410

Khaled Mashal
260 King Street unit 1605
San Francisco CA 94107
October

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453 O'Farrell St

XPRESS MARKET INC DBA
WALLY'S COMMUNITY MARKET AND DELI



WALLY'S COMMUNITY MARKET



PUBLIC NECESSITIES

- THE GARLAND HOTEL AT 505 O'FARRELL HAS CONVERTED INTO AN SRO.
- DEVELOPMENT PLANS HAVE REVEALED A 316 UNIT ADDITION AT 450 O'FARRELL ST.
- THE HILTON AT 333 O'FARRELL ST HAS REOPENED A ½ BLOCK AWAY.'
- MASK MANDATES ARE COMING TO AN END HOPEFULLY REVIVING TOURISM.



PUBLIC CONVENIENCE

- ONE STOP SHOPPING IN A DENSELY POPULATED AREA THAT INCLUDES SROS, TRADITIONAL APARTMENT BUILDINGS AND MAJOR HOTEL CHAINS.
- A RARE OPPORTUNITY TO INTRODUCE AFFORDABLE ,LIVE, FRESH NUTRITION TO A NEIGHBORHOOD THAT USUALLY ONLY HAS FROZEN OR PREPACKAGED JUNK FOOD OPTIONS.
- OUR COMMUNITY MARKET AND DELI WILL OFFER SANDWICHES, DELI MEATS, FRESH FRUITS AND VEGETABLES, FRESH COFFEE, AND FRUIT JUICE.
- THIS STORE WOULD FILL A MUCH NEEDED VOID LEFT BY THE REMOVAL OF THE 498 O'FARRELL ST XPRESS MARKET.



59¢

Available in the
\$1.49/lb
GREAT BUY!

LOVE MY LEMON!
GREAT BUY!
1.99

Available in the
\$1.49/lb
GREAT BUY!

\$1.00

\$1.00

\$1.00

WHY US?

- LEGACY OPERATOR: WE HAVE BEEN A NEIGHBORHOOD FAMILY OWNED BUSINESS FOR OVER 40 YEARS
- SPARKLING TRACK RECORD WITH ABC (SEE COMMENDATION).
- UNANIMOUS C.U.P. APPROVAL
- ZERO PROTEST OR COMPLAINTS FROM ABC, SFPD, OR CITY PLANNING.
- KEEPS A LOCAL BUSINESS FROM LEAVING THE NEIGHBORHOOD.
- INTRODUCES A MUCH NEEDED ONE STOP SHOPPING HUB THAT TOURISTS AND LOCAL RESIDENTS CAN ENJOY.



**LIQUOR LICENSE
PUBLIC CONVENIENCE OR
NECESSITY REFERRAL**

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Attn: Michelle Langlie

DATE: November 8, 2021
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