

File No. 240103

Committee Item No. 1

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Public Safety and Ngbh Services

Date: February 22, 2024

Board of Supervisors Meeting:

Date: _____

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract / DRAFT Mills Act Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER

- Police Department Report – February 15, 2024
- Planning Department Review – February 9, 2024
- PC or N Referral to Planning and Police – February 2, 2024
- PC or N Request Letter – January 26, 2024
- _____
- _____
- _____
- _____
- _____

Prepared by: John Carroll

Date: February 16, 2024

Prepared by: _____

Date: _____

Prepared by: _____

Date: _____

From: [Carroll, John \(BOS\)](#)
To: [dan@djklawgroup.com](#); [Smeallie, Kyle \(BOS\)](#); [Hernandez, Melissa G \(BOS\)](#); [Bolen, Jennifer M.\(BOS\)](#); [Kilgore, Preston \(BOS\)](#)
Cc: [Alabanza, Analyn@ABC](#); [amarjit.tamber@abc.ca.gov](#); [Donovan, Dominica \(BOS\)](#); [Atoyebi, Tolu \(CPC\)](#); [VanHouten, Ben \(ECN\)](#); [CPC.Referrals](#); [Salmonson, Joel \(POL\)](#); [Wong, Joanne \(POL\)](#); [Jonas, Stephen \(POL\)](#)
Subject: RE: Liquor License Transfer - 555 Fulton Street, Suite C - Trader Joe's Company - BOS File No. 240103
Date: Friday, February 16, 2024 10:53:00 AM
Attachments: [image001.png](#)

Greetings,

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

[Police Department Response – February 15, 2024](#)

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

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 the ABC-253.

The Public Safety and Neighborhood Services Committee will hold this hearing at 10 am on Thursday, February 22, 2024.

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

[Board of Supervisors File No. 240103](#)

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*



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 Catherine Stefani
Supervisor Matt Dorsey
Supervisor Joel Engardio

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

Date: February 15, 2024

Subject: P.C.N. Investigation Regarding: Trader Joe's Company
DBA: Trader Joe's Store #226
555 Fulton St.
San Francisco CA. 94102

Trader Joe's Company, has filed an application with the California Department of Alcoholic Beverage Control seeking a Type 21 (Off-Sale General) license to be located at 555 Fulton St. (located between Laguna St. and Octavia St.)

Hours of Operation:

8:00am to 9:00pm each day of the week.

Digest:

Trader Joe's would like to operate a grocery store to be located at 555 Fulton 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 January 2022 to January 2023

13 calls for service

Police Reports:

From January 2022 to January 2024

2 police reports

San Francisco Plot Information:

This premise is located in Plot: **551**

A High Crime area is defined as **109** or more police reports in a plot for the year of **2022**.

This plot had 92 police reports for **2022**, which is 17 lower than the **Citywide “High Crime”** average.

State Census Tract Information:

This premise is located in Census Tract: **162.00**

Population for this tract is: **3,672**

On-sale license authorized by census tract: **12**

Active on-sale licenses: 62 with 0 pending

Off-sale licenses authorized by census tract: **3**

Active off-sale licenses: 7 with 0 pending

Departmental Recommendation:

Points of consideration: **2**

No opposition from **Northern Station**.

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

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

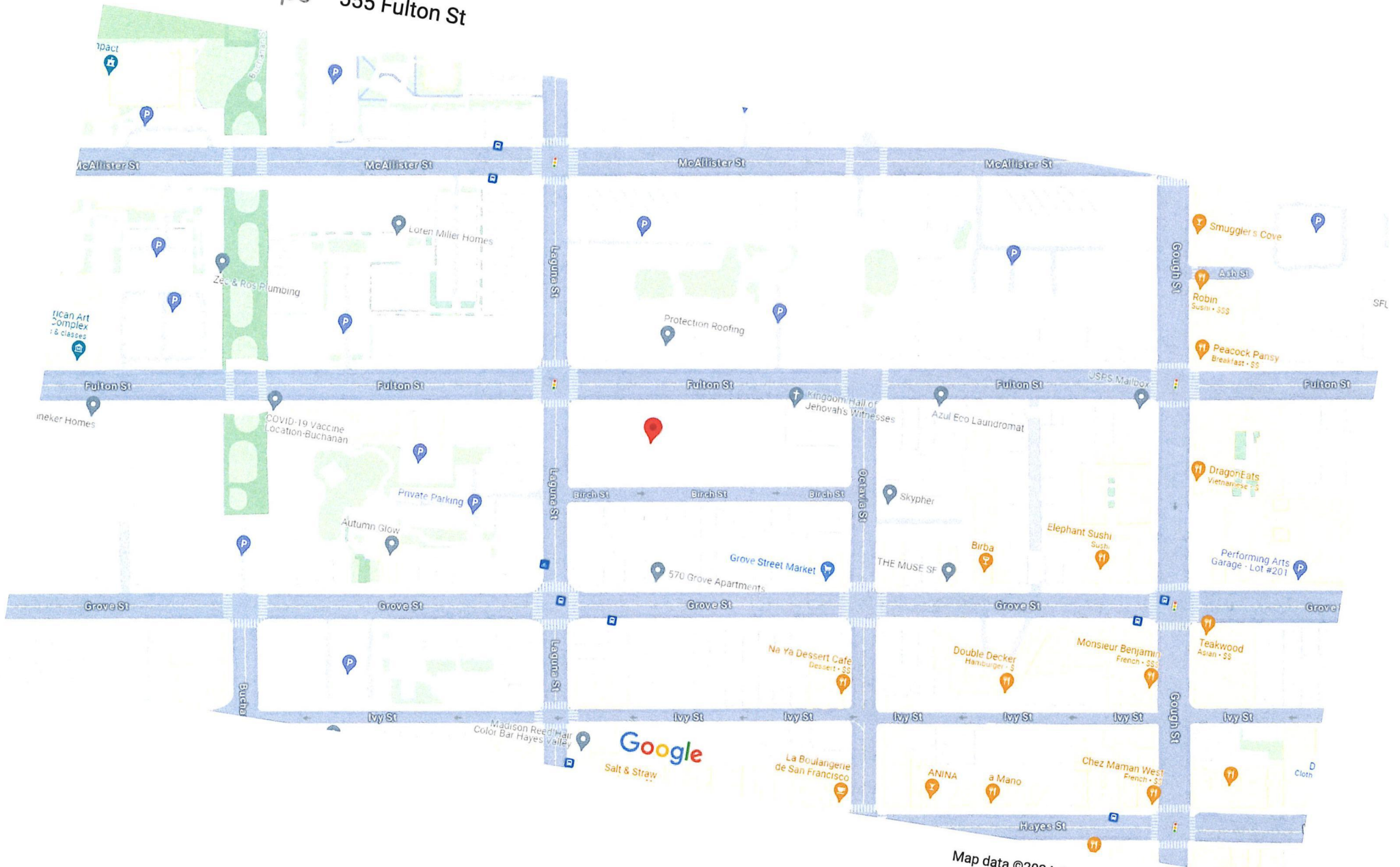
0 - Protest.

0 - Support

ALU Recommendation: **Approval with the following condition:**

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 the ABC-253.

Google Maps 555 Fulton St



Google
Salt & Straw

Map data ©2024 Google 100 ft

From: [Carroll, John \(BOS\)](#)
To: [Salmonson, Joel \(POL\)](#); [Wong, Joanne \(POL\)](#); [Jonas, Stephen \(POL\)](#)
Cc: [Alabanza, Analyn@ABC](#); [amarjit.tamber@abc.ca.gov](#); [Donovan, Dominica \(BOS\)](#); [Atoyebi, Tolu \(CPC\)](#); [Smeallie, Kyle \(BOS\)](#); [Hernandez, Melissa G \(BOS\)](#); [Bolen, Jennifer M.\(BOS\)](#); [Kilgore, Preston \(BOS\)](#); [VanHouten, Ben \(ECN\)](#); [dan@djklawgroup.com](#); [CPC.Referrals](#)
Subject: RE: Liquor License Transfer - 555 Fulton Street - Trader Joe"s Company - BOS File No. 240103
Date: Monday, February 12, 2024 10:50:00 AM
Attachments: [image001.png](#)

Good morning,

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

[Planning Dept. Response - Received February 9, 2024](#)

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 the regular meeting of Thursday, February 22, 2024.

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

[Board of Supervisors File No. 240103](#)

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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BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

LIQUOR LICENSE PUBLIC CONVENIENCE OR NECESSITY REFERRAL

TO: Planning Department
Attn: _____
Phone No. _____

DATE: February 2, 2024

AP Block/Lot Nos.: 0794/059

Zoning: _____

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

Quad: _____

Record No.: _____

Please submit your response within two weeks. The Public Safety and Neighborhood Services Committee will tentatively schedule the PC or N hearing for a regular meeting in March of 2024.

PLEASE EMAIL YOUR RESPONSE by February 16, 2024, to:

John Carroll, Public Safety and Neighborhood Services Committee Clerk.

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

Applicant name: Trader Joe's Company

Business name: Trader Joe's Number 226

Application address: 555 Fulton Street

Applicant contact info: Dan Kramer Law Group
350 Sansome Street, Suite 400
San Francisco, CA 94104
Direct: (415) 795-2327
Fax: (415) 795-2344
Email: dan@djklawgroup.com
www.djklawgroup.com

PLANNING REVIEW: Approval Denial

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

POLICE REVIEW: Approval Denial

(Please add comments in a trailing report.)



02/09/2024

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

Re: 555 Fulton Street - BOS Referral - Liquor License Public Convenience or Necessity Referral
Planning Department File No. 2024-001041MIS

To Whom It May Concern:

The Planning Department recommends approval for ABC Type-21 license in conjunction with conditionally permitted Grocery Store use (d.b.a Trader Joes) in the Residential Transit Oriented Zoning District and Hayes NCT Zoning District per Planning Code Section 209.4 and 761. **Planning Commission Motion No. 20946** permitted the establishment of a Formula Retail Grocery Store use at the Subject Property.

Grocery Stores may provide beer, wine, and distilled spirits for consumption off the premises with a California Alcoholic Beverage Control Board License Type 21 (Off-Sale General) under the condition that **all areas devoted to the display and sale of alcoholic beverages do not exceed 15% of the Occupied Floor Area of the establishment.** The Subject Property must adhere to the conditions outlined in Planning Commission Motion No. 20946 and the following conditions of Planning Code Section 202.2(a)(1):

1. The business operator shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Street and Sidewalk Maintenance Standards. In addition, the operator shall be responsible for daily monitoring of the sidewalk within a one-block radius of the subject business to maintain the sidewalk free of paper or other litter associated with the business during business hours, in accordance with Article 1, Section 34 of the San Francisco Police Code.
2. When located within an enclosed space, the premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building, and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.
3. While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.
4. Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.



San Francisco Planning

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

628.652.7600

www.sfplanning.org

If you have any questions related to Planning's evaluation, please call me at (628) 652-7363.

Sincerely,

Sydney Atoyebi

Sydney Tolu Atoyebi, Planner

Districts 5 & 8, Current Planning Division

Department of Alcoholic Beverage Control
APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE
 ABC 211 (6.99)

State of California

Dan Kramer

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

File Number: **655669** *(415) 795-2327*
 Receipt Number: **2861161**
 Geographical Code: **3800**
 Copies Mailed Date: **January 9, 2024**
 Issued Date:

DISTRICT SERVING LOCATION: **SAN FRANCISCO**

First Owner: **TRADER JOES COMPANY** Dist 5
 Name of Business: **TRADER JOE'S STORE 226** RTO, NCT
 Location of Business: **555 FULTON ST** 0794/063
SAN FRANCISCO, CA 94102-4278 2024-000254MIS

County **SAN FRANCISCO**
 Is Premises inside city limits **Yes** Census Tract: **0162.00**

Mailing Address:(If different from premises address) **317 E CARSON ST**
STE 333
PITTSBURGH, PA 15219

Type of license(s): **21** Dropping Partner: Yes No

Transferor's license/name: **619261 / ALBECO INC**

<u>License Type</u>	<u>Transaction Type</u>	<u>Master</u>	<u>Secondary LT And Count</u>		
21 - Off-Sale General	PER/PRM	Y			
<u>License Type</u>	<u>Transaction Description</u>	<u>Fee Code</u>	<u>Dup</u>	<u>Date</u>	<u>Fee</u>
Application Fee	DBL TRF: PREMISES AND PERSON	NA	0	01/09/24	\$1,470.00
21 - Off-Sale General	ANNUAL FEE	NA	0	01/09/24	\$949.00
Total					\$2,419.00

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

STATE OF CALIFORNIA County of SAN FRANCISCO Date: January 5, 2024

Applicant Name(s)

TRADER JOES COMPANY

Recommend approval for ABC Type-21 license in conjunction with conditionally permitted Grocery Store use (d.b.a Trader Joes) in the RTO and Hayes NCT Zoning District per Planning Code Section 209.4 and 761. Planning Commission Motion No. 20946 permits the Formula Retail Grocery Store use at the Subject Property.

Grocery Stores may provide beer, wine, and distilled spirits for consumption off the premises with a ABC License Type 21 (Off-Sale General) under the condition that **all areas devoted to the display and sale of alcoholic beverages do not exceed 15%** of the Occupied Floor Area of the establishment. The Subject Property must adhere to the conditions outlined in Planning Commission Motion No. 20946 and the conditions of Planning Code Section 202.2(a)(1).

Sydney Atoyebi
 Sydney Tolu Atoyebi
 District 5 & 8, Current Planning
 2/9/2024

January 22, 2024

Via Email and U.S. Mail

[John.Carroll@sfgov.org]

San Francisco Board of Supervisors
Public Safety and Neighborhood Services Committee
1 Dr. Carlton B. Goodlet Place, Room 244
San Francisco, CA 94102
Attn: John Carroll, Committee Clerk

Re: Request for Determination of Public Convenience or Necessity;
Trader Joe's Store to be located at 555 Fulton Street

Dear Members of the Public Safety and Neighborhood Services Committee:

On January 5, 2024, Trader Joe's Company ("Trader Joe's") applied for a Type-21 license (see application no. 655669) for its store to be located at 555 Fulton Street, San Francisco, CA (the "Store"). The ABC posting notice was posted on January 16, 2024. We have been informed by the ABC that a determination of public convenience or necessity by the Board of Supervisors is a condition to the ABC's issuance of this license. Trader Joe's respectfully requests that the Board determine that the issuance of a Type-21 license to this Store will serve public convenience or necessity.

I. Project Description.

Located at 555 Fulton Street, the Store will provide a service and convenience to thousands of visitors and residents who frequent the area each day. The Store is located in the Western Addition Neighborhood adjacent to Hayes Valley and one block west of the Downtown/Civic Center area. The Store will provide a wide variety of products that will enhance the diverse retail options in the neighborhood.

Trader Joe's has been operating nationwide for almost 70 years, with six stores currently operating in San Francisco. It offers a complete selection of goods, including fresh meats and fish, produce, dry goods, floral, wellness products, and other items. Trader Joe's specializes in unique items that are often unavailable at other stores,

providing the communities in which it is located with high-quality commodities and outstanding service.

In addition to the offerings above, the Store also intends to carry a specialty selection of beer, wine and spirits, many of which are unique to Trader Joe's and not available in other retail stores in the area. Trader Joe's will offer affordable wines, domestic and import beers, and an array of spirits typically found at Trader Joe's stores.

While the ability to sell a full range of alcoholic beverages at the Store is a critical component of the Trader Joe's business model, the sale of alcoholic beverages will be ancillary to the Store's primary use as a grocery store and general retailer. Trader Joe's estimates that less than 10% of the Store's shelf space will be devoted to the display of alcohol. It is also estimated that the sale of alcohol at this Store will amount to less than 10% of total sales. The Store's hours of operation will be from 8:00 a.m. to 9:00pm daily.

II. The Sale of Alcohol at the Store will serve Public Convenience or Necessity.

Trader Joe's is committed to being a good community partner. It will provide a unique product offering to its customers without negatively impacting the surrounding area. The neighborhood is home to several other businesses that sell alcohol, however the selection at these businesses is quite different than the products that would be available at the Store.

The product offerings will serve to add convenience to the thousands of business people, local shoppers and tourists that pass through the area each day. By offering a wide variety of goods including beer, wine and spirits, Trader Joe's will provide a "one-stop" shopping experience for its customers. This "will result in increased efficiency for shoppers, and is consistent with what today's consumers expect from a specialty grocery store and general merchandiser such as Trader Joe's.

III. The Issuance of a Type-21 License to the Store is Consistent with the Zoning Code and Adjacent Uses.

The Store is located in a zone designated as Hayes-Gough Neighborhood Commercial Transit District (NCT), Residential Transit Oriented District (RTO), 40-50-X Height and Bulk District, and the Fulton Street Grocery Store Special Use District. The use is consistent with the intent of each of these zoning districts. The sale of alcohol for off-premises consumption is permitted with a Conditional Use Authorization, which was approved in 2021. The use fulfills the purpose of the Fulton Street Grocery Store

SUD, which intends to enable a neighborhood-serving grocery store in a location accessible to Hayes Valley and Western Addition neighborhoods.

IV. The Issuance of a License to the Store will Not Create a Burden on the Police Department.

The Store is located in census tract 0162.00. Based on information provided by the ABC, the number of active off-sale liquor licenses in this census tract results in an “undue concentration” (as defined by Business & Professions Code § 23958.4). However, due to the methodology by which “undue concentration” is determined, almost every census tract in California located in a heavily commercial/retail area with a low population density – such as census tract 0162.00 – has “undue concentration.” Therefore, Trader Joe’s respectfully requests that you consider the nature of the census tract when addressing the issue of “undue concentration.”

The nature and style of the Store and its customers are such that the sale of alcoholic beverages will neither add to, nor create problems for local law enforcement. There will be a number of safeguards in place to ensure alcohol is sold in a safe and responsible manner and that the sale of alcohol does not add to the crime rate, including extensive staff training, security cameras, product placement, and age verification systems.

V. The issuance of a License to the Store will Not have a Detrimental Impact on the Surrounding Area.

In an effort to be consistent with both the City’s Good Neighbor policies and the conditions required by the SFPD, Trader Joe’s will take preemptive measures to ensure that alcoholic beverages will be sold in a highly responsible and conscientious manner. Detailed alcohol sales policies and procedures will be implemented and strictly enforced. Trader Joe’s alcohol sales training focuses on recognizing and preventing any sale of alcohol that may be detrimental to the public welfare (i.e., the sale of alcohol to minors and intoxicated persons). For security purposes, the alcohol selection will not be located near any exit area, thereby discouraging theft.

Conclusion.

The issuance of a Type-21 license to the Store will enable Trader Joe’s to provide the neighborhood with a convenient and unique shopping experience currently

TRADER JOE'S COMPANY

CORPORATE OFFICE
P.O. BOX 5049 • 800 SOUTH SHAMROCK AVE.
MONROVIA, CA 91016-6346
(626) 599-3700 • FAX (626) 301-4483

unavailable to residents and visitors to the area. Trader Joe's is committed to providing this experience in a safe and conscientious manner, with minimal disruption to the surrounding neighborhood.

For these reasons, Trader Joe's respectfully requests that the Board determine that public convenience or necessity will be served by the issuance of a Type-21 license to the Store.

Thank you in advance for your consideration. Please contact our attorney, Dan Kramer, at (415) 795-2327 or dan@djklawgroup.com if you need any further information or documentation. All correspondence relating to this application can be sent to:

Dan Kramer Law Group
Attn: Dan Kramer
350 Sansome St., Suite 400
San Francisco, California 94104

Sincerely,

TRADER JOE'S COMPANY



Mitchell Nadler, VP & CFO

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

State of California

Dan Kramer

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

File Number: **655669**
 Receipt Number: **2861161**
 Geographical Code: **3800**
 Copies Mailed Date: **January 9, 2024**
 Issued Date:

(415) 795-2327

DISTRICT SERVING LOCATION: SAN FRANCISCO
First Owner: **TRADER JOES COMPANY**
Name of Business: **TRADER JOE'S STORE 226**
Location of Business: **555 FULTON ST**
SAN FRANCISCO, CA 94102-4278
County **SAN FRANCISCO**
Is Premises inside city limits **Yes** **Census Tract:** **0162.00**
Mailing Address:(If different from premises address) **317 E CARSON ST**
STE 333
PITTSBURGH, PA 15219
Type of license(s): **21** **Dropping Partner:** Yes No
Transferor's license/name: **619261 / ALBECO INC**

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

<u>License Type</u>	<u>Transaction Description</u>	<u>Fee Code</u>	<u>Dup</u>	<u>Date</u>	<u>Fee</u>
Application Fee	DBL TRF: PREMISES AND PERSON	NA	0	01/09/24	\$1,470.00
21 - Off-Sale General	ANNUAL FEE	NA	0	01/09/24	\$949.00
Total					\$2,419.00

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

STATE OF CALIFORNIA County of **SAN FRANCISCO** Date: **January 5, 2024**

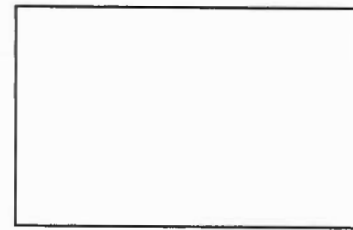
Applicant Name(s)

TRADER JOES COMPANY

RECEIVED
 BOARD OF SUPERVISORS
 SAN FRANCISCO
 2024 JAN 16 AM 9:27
 BY *QIB*

Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



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

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor _____ inquiries..."
- 5. City Attorney Request
- 6. Call File No. _____ from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No. _____
- 9. Reactivate File No. _____
- 10. Topic submitted for Mayoral Appearance before the Board on _____

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

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

Sponsor(s):

Clerk of the Board

Subject:

Liquor License Transfer - 555 Fulton Street - Trader Joe's Company

Long Title or text listed:

Hearing to consider that the person-to-person, premises-to-premises transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to the Trader Joe's Company, doing business as Trader Joe's Store 226, located at 555 Fulton Street (District 5), will serve the public convenience or necessity of the City and County of San Francisco.

Signature of Sponsoring Supervisor:


F