

# LIQUOR LICENSE PUBLIC CONVENIENCE OR NECESSITY REFERRAL

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

**DATE:** April 3, 2020

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

**AP Block/Lot Nos.:** 1401/002  
**Zoning:** NC-S 40X  
**Quad:** NW Planning Team  
**Record No.:** \_\_\_\_\_

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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 May of 2020.

**PLEASE EMAIL YOUR RESPONSE BY:** April 24, 2020, to John Carroll, Public Safety and Neighborhood Services Committee Clerk.

[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) - Phone No: 554-4445

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**Applicant name:** Safeway Inc.

**Business name:** **Andronico's Community Market**

**Application address:** 375-32nd Avenue / 3132 Clement  
San Francisco, CA 94121

**Applicant contact info:** Justin Zucker  
Reuben Junius & Rose, LLP  
[izucker@reubenlaw.com](mailto:izucker@reubenlaw.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.**

# REUBEN, JUNIUS & ROSE, LLP

Justin A. Zucker  
jzucker@reubenlaw.com

March 18, 2020

**Delivered Via Messenger**

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

**Re: Liquor License Public Convenience or Necessity Request  
3132 Clement Street / 375 32<sup>nd</sup> Avenue – Andronico's Community Market  
Our File No.: 8776.03**

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2020 MAR 18 PM 1:06  
BY 

Dear Ms. Calvillo:

At your request, please see attached copy of the signed PCN request letter in connection to the above referenced matter. Please note that an electronic copy was also submitted through email.

Please feel free to contact me at (415) 567-9000 if you have any questions.

Very truly yours,

**REUBEN, JUNIUS & ROSE, LLP**



Justin Zucker

# REUBEN, JUNIUS & ROSE, LLP

Justin A. Zucker  
jzucker@reubenlaw.com

March 17, 2020

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

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

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2020 MAR 18 PM 1:06  
BY 

**Re: Liquor License Public Convenience or Necessity Request  
3132 Clement Street / 375 32<sup>nd</sup> Avenue – Andronico’s Community Market  
Our File No.: 8776.03**

Dear Ms. Calvillo:

This office represents Safeway Inc. d/b/a Andronico’s Community Market (“Andronico’s”), the project sponsor of a full-service, union grocery store at 3132 Clement Street / 375 32<sup>nd</sup> Avenue. Andronico’s obtained strong neighborhood support and unanimous approval from the Planning Commission to re-establish a grocery store into the vacant building that previously had been a Fresh & Easy grocery store (the “Project”). The addition of alcohol sales will help ensure the long-term viability of the grocery store and provide the neighborhood with a convenient one-stop shop for food, household supplies, and beverages. On August 26, 2019, Andronico’s filed a building permit to construct Project tenant improvements. Andronico’s expects the market to begin operation in late Summer 2020.

Andronico’s now seeks a type-21 off-sale general license from the California Department of Alcohol Beverage Control (“ABC”). Andronico’s filed an application with ABC for a license transfer of an existing license (previous License No. 21-447392), on November 26, 2019, new License No. 613293. (See **Exhibit A.**) Andronico’s completed the ABC noticing requirements for poster location on December 20, 2019, and letter mailings on January 6, 2020, pursuant to state law. Due to the overconcentration of this type of ABC license in this census tract, with this to be the fifth in the area, Andronico’s must obtain a determination by the Board of Supervisors that the public convenience or necessity will be served by the issuance of this license for operations at 3132 Clement Street / 375 32<sup>nd</sup> Avenue.

The Project will establish an Andronico’s to be operated by Safeway at 3132 Clement Street / 375 32<sup>nd</sup> Avenue, an existing building originally constructed as an Albertson’s supermarket

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

Oakland Office  
827 Broadway, 2<sup>nd</sup> Floor, Oakland, CA 94607  
tel: 510-527-5589

www.reubenlaw.com

Ms. Angela Calvillo  
Clerk of the Board of Supervisors  
March 17, 2020  
Page 2 of 2

with rooftop and at-grade parking at the northwest corner of Clement Street and 32<sup>nd</sup> Avenue. The Andronico's would occupy approximately 16,664 square feet of ground floor space, adjacent to an operating CVS drug store. The Andronico's would sell daily needs and desirable goods and services to neighborhood residents, including hygienics (e.g., toilet paper, paper towels, soaps, etc.), fresh and local produce, a full deli and butcher block, expanded organics, and some grab-and-go foods. Adding alcoholic beverages to the offerings of this proposed neighborhood market will serve the public convenience and necessity of the neighborhood by increasing the variety of goods offered at this location. Area workers, residents and tourists will have a new full-service grocery store that will provide a convenient shopping experience. The proposed hours of operation are 6 a.m. to 11 p.m. daily.

Andronico's is committed to providing a much-needed, full-service grocery store to the Outer Richmond and Seacliff neighborhoods. As part of its community outreach during entitlements, Safeway agreed to collaboratively develop with interested neighbors a voluntary "Good Neighbor Plan" to proactively address maintenance and upkeep of the common areas, possible loitering, employee parking, etc. Andronico's tenant improvements also include the installation of new Avigilon CCTV security cameras covering the liquor aisles, checkstands, lobbies, entrances, exits and other areas within the store. Higher resolution cameras will be going in the liquor area. Additionally, a Safeway Asset Protection Manager and Asset Protection Specialist will be assigned to the grocery store, visit the site regularly, and will follow up on any security issues. Although safety or security issues on the property are not anticipated, these measures will ensure that the alcohol sales will not result in any negative impacts on the surrounding neighbors.

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

Please contact me with any questions you have.

Very truly yours,

**REUBEN, JUNIUS & ROSE, LLP**



Justin A. Zucker

Enclosure

# **Exhibit A**

## **License Information**

## LICENSE INFORMATION

**License Number:** 613293 **Primary Owner:** SAFEWAY INC **Office of Application:**  
24 - SAN FRANCISCO

## BUSINESS NAME

ANDRONICO'S COMMUNITY MARKET #3066

## BUSINESS ADDRESS

375 32ND AVE , SAN FRANCISCO, CA, 94121

**County:** SAN FRANCISCO **Census Tract:** 0427.00

## LICENSEE INFORMATION

**Licensee:** SAFEWAY INC

### Company Information

OFFICER: MILLER, ROBERT GERALD (CHAIRMAN)

OFFICER: MILLER, ROBERT GERALD (CHIEF EXECUTIVE OFFICER)

OFFICER: MILLER, ROBERT GERALD (DIRECTOR)

OFFICER: DIMOND, ROBERT BARKER (VICE PRESIDENT)

OFFICER: DIMOND, ROBERT BARKER (CHIEF FINANCIAL OFFICER)

OFFICER: DONALD, JAMES LLOYD (PRESIDENT)

OFFICER: DONALD, JAMES LLOYD (CHIEF OPERATING OFFICER)

OFFICER: GORDON, ROBERT ALLEN (DIRECTOR)

OFFICER: GORDON, ROBERT ALLEN (VICE PRESIDENT/SECRETARY)

OFFICER: MORTON, GARY RAY (VICE PRESIDENT/TREASURER)

OFFICER: MORTON, GARY RAY (SECRETARY/ASST SEC)

STOCKHOLDER: ALBERTSONS COMPANIES, INC.

## LICENSE TYPES

### 21 - OFF-SALE GENERAL

**License Type Status:** PENDING **Status Date:** 05-DEC-2019 **Term:** 12 Month(s)

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

From License Number: 21-447392

### OPERATING RESTRICTIONS:

No Operating Restrictions found

### DISCIPLINARY ACTION:

No Active Disciplinary Action found

**DISCIPLINARY HISTORY:** No Disciplinary History found.

### HOLDS:

**Hold Type:** FORM 220 **Hold Date:** 05-DEC-2019 **Hold Type:** H & L PROTEST **Hold Date:**

16-JAN-2020

### ESCROWS:

No Escrow found

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)

ABC 211 (6/99)

Ms. CHRISTINA MEZA,  
L10 license Coordinator  
(714) 300-6307

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

File Number: 613293  
Receipt Number: 2615716  
Geographical Code: 3800  
Copies Mailed Date: December 5, 2019  
Issued Date:

DISTRICT SERVING LOCATION: SAN FRANCISCO

First Owner: SAFEWAY INC  
Name of Business: ANDRONICO'S COMMUNITY MARKET #3066  
Location of Business: 375 32ND AVE  
SAN FRANCISCO, CA 94121-1738

County: SAN FRANCISCO

Is Premises inside city limits? Yes Census Tract: 0427.00

Mailing Address:(If different from premises address) PO BOX 29096  
NATIONAL SERVICES CENTER  
MAIL STOP #6515  
PHOENIX, AZ 85038-9096

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

Transferor's license/name: 447392 / SAMUJH, PREMILA DEVI

License Type	Transaction Type	Master	Secondary LT And Count		
21 - Off-Sale General	PER/PRM	Y			
License Type	Transaction Description	Fee Code	Dup	Date	Fee
Application Fee	DBL TRF: PREMISES AND PERSON	NA	0	12/05/19	\$1,250.00
21 - Off-Sale General	ANNUAL FEE	NA	0	12/05/19	\$814.00
Total					\$2,064.00

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: December 5, 2019

Applicant Name(s)  
SAFEWAY INC

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2019 DEC -9 PM 3:55



## EXHIBIT A

### AUTHORIZATION

This authorization is for Conditional Use Authorization to allow the establishment of Formula Retail Sales and Services Use (Safeway d.b.a. "Andronico's Community Market"), and a Nonresidential Use size exceeding 6,000 square feet located at 375 32<sup>nd</sup> Avenue/3132 Clement Street, Block 1401, Lot 002 pursuant to Planning Code Section(s) 121.2, 303, 303.1 703.4 and 713 within the within the NC-S (Neighborhood Commercial, Shopping Center) District and 40-X Height and Bulk District; in general conformance with plans, dated July 15, 2019, and stamped "EXHIBIT B" included in the docket for Record No. 2019-001013CUA and subject to conditions of approval reviewed and approved by the Commission on July 25, 2019 under Motion No. 20491. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on July 25, 2019 under Motion No. 20491.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 20491 shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

### SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

### CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

## Conditions of Approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## MONITORING - AFTER ENTITLEMENT

6. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
7. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## OPERATION

8. **Sidewalk Maintenance.** The Project Sponsor 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 Streets and Sidewalk Maintenance Standards.  
*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*
9. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator and all registered neighborhood groups for the area with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator and registered neighborhood groups shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
10. **Security.** The Project Sponsor shall continue to work with the community on security mitigation measures.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

11. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

CA ABC Type 21 (off-sale general (Package Store) Authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Minors are allowed on the premises.) was recommended for approval by the Planning Commission Motion 20491 on July 25, 2019.

A handwritten signature in black ink, appearing to read "M. Coyle", is written over the text.