

File No. 141173

Committee Item No. 1

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Public Safety & Neighborhood Services Date April 16, 2015

Board of Supervisors Meeting Date \_\_\_\_\_

#### Cmte Board

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input type="checkbox"/>            | <input 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"/> | Legislative Analyst Report                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form (for hearings)             |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Public Correspondence                        |

#### OTHER (Use back side if additional space is needed)

- |                                     |                          |                            |
|-------------------------------------|--------------------------|----------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Liquor License PCN Request |
| <input type="checkbox"/>            | <input type="checkbox"/> | _____                      |
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Completed by: Derek Evans Date 4/10/15

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

An asterisked item represents the cover sheet to a document that exceeds 25 pages.  
The complete document can be found in the file.

Member, Board of Supervisors  
District 1  
市參議員、第一區



City and County of San Francisco  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2015 APR 10 PM 12:25

ERIC MAR  
馬兆光

*ll*

DATE: April 10, 2015  
TO: Angela Calvillo  
Clerk of the Board of Supervisors  
FROM: Supervisor Eric Mar  
RE: Public Safety & Neighborhood Services Committee  
COMMITTEE REPORT

Pursuant to Board Rule 4.20, as Chair of the Public Safety & Neighborhood Services Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on April 21, 2015, as a Committee Report:

**141173      Liquor License Transfer - 201 Folsom Street**

TO BE PREPARED IN COMMITTEE AS A RESOLUTION

Resolution determining that the transfer of a Type 21 off-sale general license from 225-11<sup>th</sup> Street to 201 Folsom Street, Suite 101 (District 6), to Christopher Foley of SMARKET LLC, dba Market on Main, will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license.

This matter will be heard in the Public Safety & Neighborhood Services Committee Regular Meeting on April 16, 2015, at 2:00 p.m.




San Francisco Police Department  
**ABC Liaison Unit**



Alcoholic Beverage License -  
*Public Convenience and  
Necessity Recommendation*

**To:** The San Francisco Board of Supervisors' Committee on Public Safety  
and Neighborhood Services

**Supervisor Eric Mar**  
**Supervisor David Campos**  
**Supervisor Julie Christensen**

**From:** Lieutenant Dave Falzon   
Officer in Charge  
ABC Liaison Unit (ALU) 553-1049

**Date:**

*April 1<sup>st</sup>, 2015*

**Subject:** P.C.N. Investigation Regarding: The Market on the Main  
DBA: Smarket LLC  
201 Folsom Street, #101  
Christopher Foley  
(415) 361-4803

Mr. Christopher Foley on behalf of Smarket, LLC has filed an application with the California Department of Alcoholic Beverage Control seeking a -Type 21 (Off-Sale General) License for 201 Folsom Street (located at the corner of Main Street).

Hours of Operation:

Daily 7 a.m.-12 a.m. (midnight)

**Digest:**

Smarket LLC is introducing The Market on the Main to San Francisco. Mr. Foley has already introduced The Market on Market currently operating at the Twitter Building at 1355 Market Street. The Market on the Main will follow the same formula, a gourmet market/ grocery store with a "neighborhood" approach to consumer needs. This location will also operate a café (type 41 Beer and Wine Eating Place). If approved, this license will allow The Market on the Main to sell off-sale Beer, Wine and Distilled Spirits, and On-Sale Beer and Wine.

**Letters of Protest:**

No Record

**Letters of Support:**

No Record

**Police Calls for Service:**

From October 2013 to October 2014

**13-Burglary and Noise Complaints. This is a ground up construction, construction sites are easy victims to burglaries.**

**Police Reports:**

From December 2013 to December 2014

**3-Burglary Reports**

**San Francisco Plot Information:**

This premise is located in Plot **252**

A High Crime area is defined as **99** or more police reports in a plot for the year of **2013**.

This plot had **151** police reports for **2013**, which is **52** over the **Citywide "High Crime"** average.

**State Census Tract Information:**

This premise is located in Census Tract **615**

Population for this tract is: **11,502**

On-sale license authorized by census tract: **40**

Active on-sale licenses: **142** with **1** pending

Off-sale licenses authorized by census tract: **11**

Active off-sale licenses: **21** with **1** pending

**Departmental Recommendation:**

Points of consideration:

No opposition from **Southern Station**

Applicant premise is located in a "high crime" area.

Applicant premise is located in an "undue concentration" area.

0 - Record of protest.

0 - Record of support.

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

**Conditions for Type 21 (Off Sale General)**

1. Sales of alcoholic beverages shall be permitted between the hours of 7:00 a.m. and 12:00 a.m. daily.
2. No more than 5% of the square footage of the public retail space (not including the storage area) of the premises will be used for the display of alcoholic beverages.
3. The sale of distilled spirits in sizes smaller than 375 ml is strictly prohibited.
4. No malt beverage shall be sold with an alcoholic content great than 5.7% by volume, except for microbrews, craft brews, organic and specialty malt products sold under such designations as stout, porter, IPA, and ESB. This condition is intended to eliminate high alcohol, low-cost products that are frequently abused, but not prevent the sales of specialty and craft beer products.
5. Beer, malt beverages and wine coolers in containers larger than 32 oz. are strictly prohibited.
6. No beer or malt beverages shall be sold in quantities of less than the manufacturer pre-packaged four (4) packs per sale. No wine-coolers or beer coolers shall be sold in less than the manufacturer pre-packaged multi-unit quantities of four (4).
7. No wine shall be sold with an alcoholic content of great than 15% by volume except for "Dinner Wines" which have been aged two years or more and maintained in corked bottles.
8. Wine shall not be sold in bottles or containers smaller than 750 ml, unless sold in manufacturer pre-packaged multi-unit quantities.

End

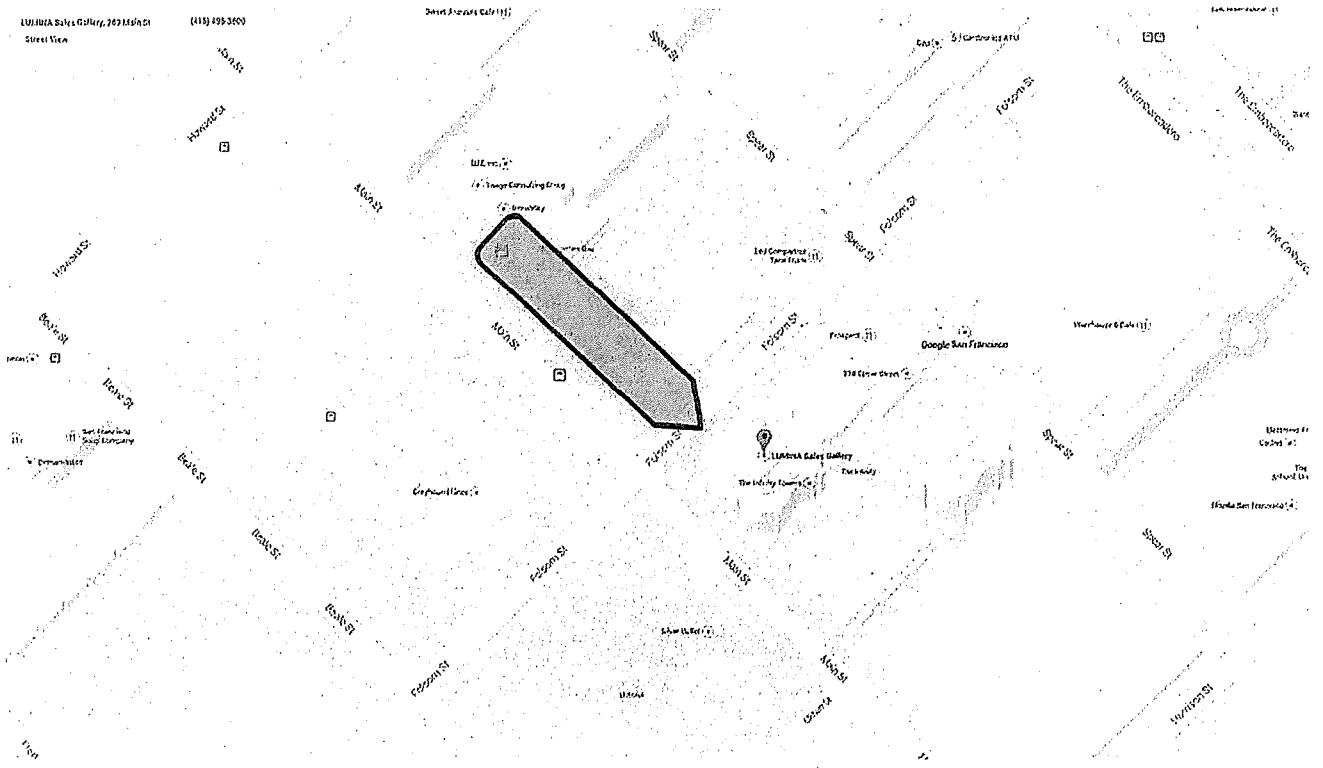
FROM: PT00ALUB ISN: 1 I TIME: 11/18/2014 13:04:19  
TO: PP00ALUZ OSN: 1 O TIME: 11/18/2014 13:04:19

Original Message


FROM: CABLE ISN: 28635 DATE: 11/18/14 TIME: 13:04:15 ADMIN MSG  
TO: PT00ALUB OSN: 00000 DATE: 11/18/14 TIME: 13:04:18

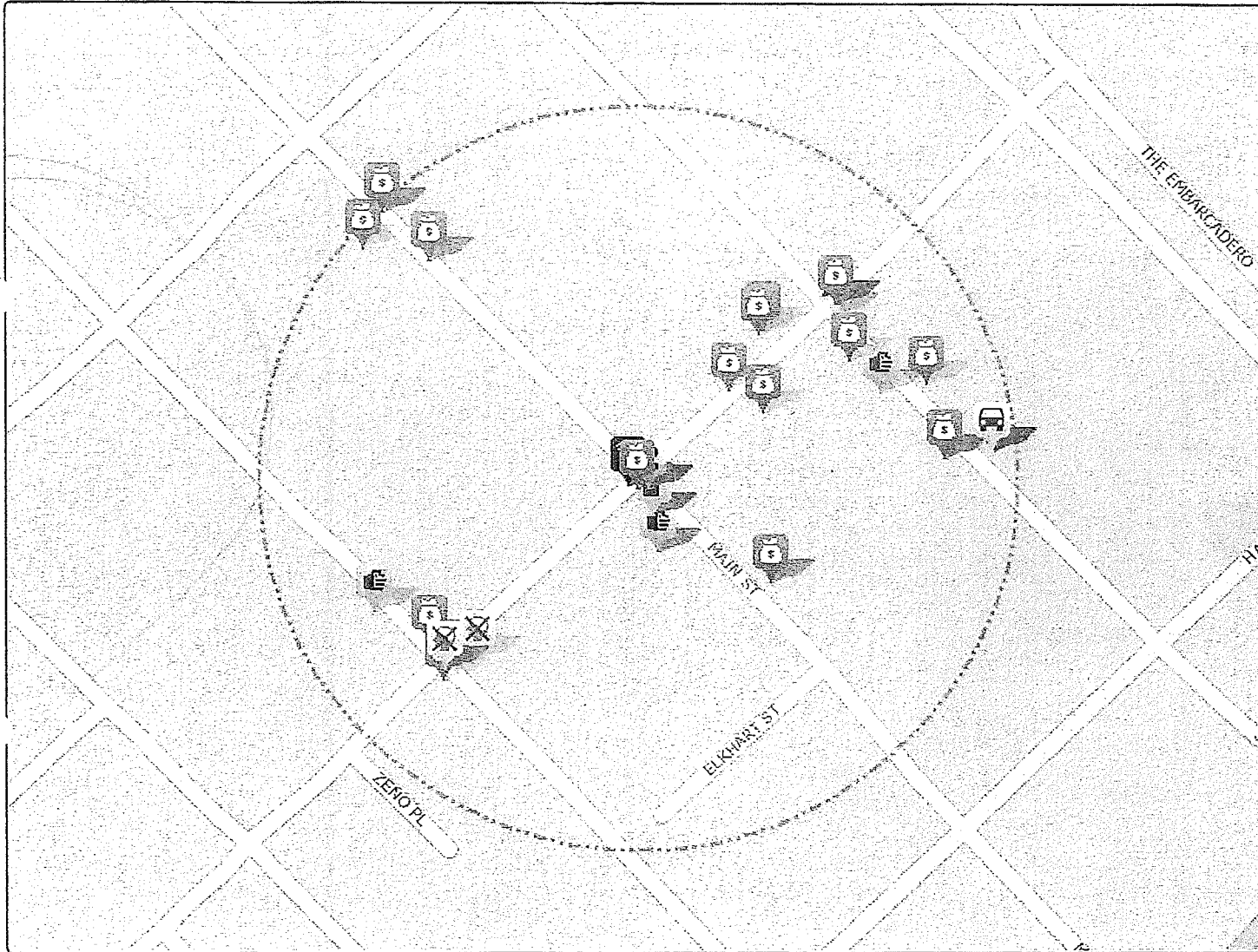
S A N F R A N C I S C O P O L I C E D E P A R T M E N T  
G E O G R A P H I C L O C A T I O N S Y S T E M

REQUESTED LOCATION => 0201 /FOLSOM /ST  
TYPE => PREMISE ADDRESS  
HOUSE NUMBER => 0201  
STREET NAME => FOLSOM  
STREET TYPE => STREET  
STREET NUMBER => 0634  
LOW HOUSE NUMBER => 0001  
HIGH HOUSE NUMBER => 4299  
HIGH HOUSE ON BLOCK => 0299  
BLOCKFACE NUMBER => 09010  
HIGH CROSS STREET => 0138  
INTERSECTION NUMBER => 06484  
REPORTING AREA => 252  
DISTRICT => SOUTHERN  
CENSUS TRACT => 000179



201 Folsom Street  
21,41-551423

San Francisco Police Department 



Map Legend	
Incidents (170)	
	Larceny/Theft (57)
	Non-Criminal (43)
	Assault (10)
	Warrants (9)
	Other Offenses (5)
	Missing Person (5)
	Vehicle Theft (5)
	Vandalism (5)
	Warrants (5)
	Suspicious Occurrence (4)
	Robbery (4)
	Drug/Narcotic (3)
	Trespassing (3)
	Kidnapping (2)
	Fraud (2)
	Arson (2)
	Burglary (1)
	Weapon Laws (1)
	Prostitution (1)
	Secondary Codes (1)
	Forgery/Counterfeiting (1)
	Sex Offenses, Forcible (1)

All representations on this map are distributed and transmitted "AS IS" without warranties of any kind, either expressed or implied including without limitation, warranties of title or implied warranties of merchantability or fitness for a particular purpose. In no event shall San Francisco Police Department become liable to users of these data for any loss or damages, consequential or otherwise, including but not limited to time, money, goodwill, arising from the use, operation or modification of the data. The visual presentation of data is being provided strictly as a courtesy, not as an obligation to its users.

WARNING: This map does not meet the national map accuracy standards.

CrimeView Server  
Printed: 3/24/2015 9:54:13 AM



Department of Alcoholic Beverage Control  
**LICENSED PREMISES DIAGRAM (RETAIL)**

State of California

1. APPLICANT NAME (Last, first, middle)

**SMARKET LLC**

2. LICENSE TYPE

**21 / 41**

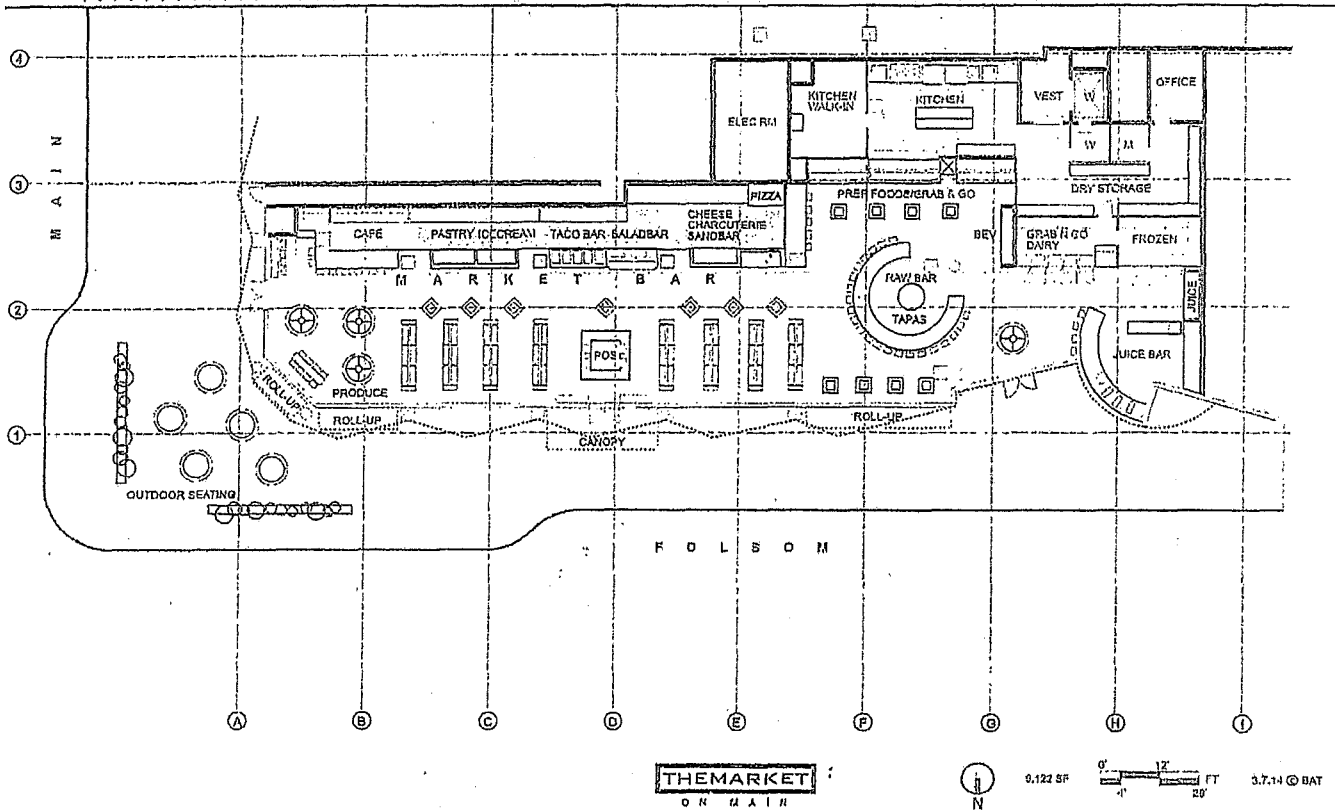
3. PREMISES ADDRESS (Street number and name, city, zip code)

**201 Folsom St., #101, San Francisco, CA. 94105**

4. NEAREST CROSS STREET

**Main St.**

The diagram below is a true and correct description of the entrances, exits, interior walls and exterior boundaries of the premises to be licensed, including dimensions and identification of each room (i.e., "storeroom", "office", etc.).  
**DIAGRAM**



It is hereby declared that the above-described boundaries, entrances and planned operation as indicated on the reverse side, will not be changed without first notifying and securing prior written approval of the Department of Alcoholic Beverage Control. I declare under penalty of perjury that the foregoing is true and correct.

APPLICANT SIGNATURE (Only one signature required)

DATE SIGNED

CERTIFIED CORRECT (Signature)

PRINTED NAME

**FOR ABC USE ONLY**

INSPECTION DATE

RECEIVED

DEC 3 - 2014

LIQUOR LICENSE REVIEW

CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
TA 101

Planning Department  
AnMarie Rodgers/CTYPLN/SFGOV  
Georgia Powell/CTYPLN/SFGOV@SFGOV  
Fax No.: 558-6409

File: 141173



Block/lot: 3746/003  
Zoning: RH DTR / RC-4  
Quad: SE  
Record # 2014-002325 MIS

TO: Police Department  
Lieutenant Dave Falzon  
Inspector Nelly Gordon  
Fax No.: 553-1463

DATE: December 3, 2014

This item is tentatively scheduled to be heard in four to six weeks.  
**PLEASE EMAIL YOUR RESPONSE BY:** January 16, 2014, to Derek Evans,  
Clerk, Neighborhood Services and Safety Committee.  
**Derek.Evans@sfgov.org - Fax No: 554-7714**

**Applicant Name:** Christopher Foley  
**and Business Name:** SMARKET LLC, dba Market on Main  
(201 Folsom Street, Suite 101)

**Applicant Address:** 850 7<sup>th</sup> Street  
San Francisco, CA 94107  
**and Phone No.** (415) 361-4803

**PLANNING COMMENTS:**  Approval  Denial

Approved per Planning Code Section 249.1. Retail uses allowed as permitted use. Type 21 and 41 in combo with grocery store and restaurant uses. 3/13/15 Erika Jackson

**POLICE COMMENTS:**  Approval  Denial

SMARLET LLC  
Market On Main  
201 Folsom Street, Suite 101  
San Francisco, CA. 94105

November 21, 2014

RECEIVED  
NOV 23 2014  
SAN FRANCISCO BOARD OF SUPERVISORS  
-K

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

Re. Liquor License "PCN" Request

Honorable Board of Supervisors,

On October 30, 2014, the California Department of Alcoholic Beverage Control processed an application for SMARKET LLC, a gourmet market / grocery store, for a person to person and premises to premises transfer of a type 21, Off-Sale General license. The intended premises address in San Francisco is located in Supervisor District 6 at 201 Folsom Street, Suite 101. The location is within census tract #0615.00 which allows for eleven (11) off-sale type licenses within the census tract, based on the most recent estimated population count. At the present time, twenty-one (21) Off-Sale type licenses are issued within this census tract. The census tract is deemed to be over-concentrated at this time with Off-Sale type licenses.

Pursuant to the requirements of Section 23958.4 of the Business and Professions Code, SMARKET LLC, here-after known as "Applicant", is applying for a "PCN" review by the San Francisco Board of Supervisors. After review of all pertinent facts regarding this premises and the surrounding area, applicant hopes and wishes that the Board will find that the issuance of the applied-for type 21 Off-Sale General license will fulfill the public's convenience or necessity.

APPLICANT CONTACT INFORMATION:

SMARKET LLC  
Christopher P. Foley, Managing Member  
850 7th Street  
San Francisco, CA. 94107  
Telephone: 415-361-4803  
Email: [cfoley@pcnarisacalifornia.com](mailto:cfoley@pcnarisacalifornia.com)

Alan Miloslavich, Director of Operations  
524 2nd Street  
San Francisco, CA. 94107  
Telephone: 415-694-3341  
Email: [alan@themarketonthemarket.com](mailto:alan@themarketonthemarket.com)

**ABC LICENSE INFORMATION:**

The type 21, Off-Sale General license is being purchased from a current licensee within Supervisor District #6. The current ABC application is requesting transfer of ownership from the current licensee to the Applicant and from the current licensee's location to the applicant's location at 201 Folsom Street. The new intended address for the license on Folsom Street is also located within Supervisor District #6. The transfer of this license will not add to the current number of off-sale licenses located within Supervisor District #6.

**Current license being purchased / transferred from:**

Guadalupe M. Ramirez / Javier Ramirez  
Db: Don Ramons  
225 11<sup>th</sup> Street  
San Francisco, CA. 94103

**Purchaser and intended location where license is to be transferred:**

SMARKET LLC (Managing Member: Christopher P. Foley)  
Db: Market on Main  
201 Folsom Street, Suite 101 (corner of Main Street)  
San Francisco, CA. 94105  
Current building status: Under Construction (part of the Lumina complex project)

**BUSIENSS OPERATION INFORMATION:**

SMARKET LLC intends to operate a full service gourmet market / grocery store which will also have seven (7) types of prepared food venues within the store to provide on-site food preparation for on-site meal consumption and take-out prepared foods for off-site meal consumption. The applicant is applying to ABC for a person to person and premises to premises transfer (double transfer) of the type 21 Off-Sale General license for the grocery store operation of the business to provide patrons the opportunity to purchase beer, wine, and distilled spirits for off-premises consumption while shopping for groceries.

Applicant is also applying for an original type (41) On-Sale Beer and Wine Eating Place type license for the food venues within the subject grocery store to provide patrons the opportunity to complement their meal service with beer and wine if they wish. The type 41 On-Sale Beer and Wine license is not the subject of this request to the Board and the applicant will be providing substantiation to ABC as to how the premises will fulfill the public's convenience or necessity with the applied-for type 41 license. The food preparation and service at the grocery store is being mentioned so as to give the Board the full scope of services that will be offered at the grocery store for the benefit of the public.

The premises is part of the Lumina building complex located on Folsom Street between Main and Beale Streets comprised of two (2) buildings and two (2) towers. The premises will occupy suites #101, 102, 103 and 104 at 201 Folsom Street. The official business address will be 201 Folsom Street, Suite 101. The premises will occupy approximately 9,100 square feet of commercial space on the ground floor, level with street and pedestrian traffic. Copies of the premises diagrams, with measurements of each unit, are attached for the Boards review.

The proposed store hours will be from 7:00 am to Midnight, each day of the week. Estimated percentage of alcoholic beverage sales, as compared to food, meal, and non-alcohol items will be 7-10%. Copy of ABC form ABC-257, Licensed Premises Diagram and Planned Operation (Retail) is attached for your review.

SUBSTANTIATION FOR A POSITIVE FINDING OF PUBLIC CONVENIENCE OR NECESSITY:

1. Issuance of the applied-for license would benefit the existing 1,289 residential units located within 500 feet of the proposed premises location.

Currently there are 1,289 residential units in existing buildings located within 500 feet of the proposed premises location. The persons who reside in these units will benefit from a gourmet market / grocery store being located within walking distance of their residences which provides groceries, prepared foods for take-out and on-site consumption. It would be a convenience to these residents to have alcoholic beverages available for purchase to take back to their residences.

2. Issuance of the applied-for license would benefit the future 1,709 residential units located within 500 feet of the proposed premises location.

Within 500 feet of the proposed premises location there are approximately eight (8) buildings currently under construction which will contain an additional 1,709 residential units to the immediate area. With the addition of these residential units, the residential population in the immediate area will more than double, increasing the number of residents in need of a nearby gourmet market / grocery store which provides groceries, prepared food items for take-out and on-site consumption, and have the availability of off-sale alcoholic beverages that they could take back to their residences.

The current buildings under construction are as follows –

280 Beale Street – 479 residential units  
288 Beale Street – 24 residential units  
301 Beale Street – 285 residential units (Lumina Tower B)  
333 Beale Street – 80 residential units (Lumina Plaza C)  
255 Fremont Street – 85 residential units  
399 Fremont Street – 452 residential units  
318 Main Street – 59 residential units (Lumina Plaza A)  
338 Main Street – 245 residential units (Lumina Tower D)

Total residential units under construction at this time – 1,709\*

\*Information based on the San Francisco Planning Department web-site, San Francisco Property Information Map, Building Permits.

3. The issuance of the applied-for off-sale license would benefit local workers and business people who work in the immediate area who are within walking distance of the premises.

4. The issuance of the applied-for off-sale license would benefit persons traveling through the area on their way home who shop at the premises for groceries and other items prior to boarding public transportation.

Current public transit that operates from boarding areas located across the street from the proposed premises are AC Transit, Golden Gate Transit, Greyhound, Municipal Railway, SamTrans, and WestCAT Lynx which serves the City, the North Bay and the East Bay.

The proposed premises will be near the proposed new Transbay Transit Center when it is completed.

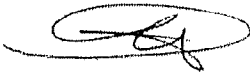
5. The issuance of the applied-for off-sale license would benefit tourists and visitors to the City in general, the Embarcadero Area, and the nearby AT&T Park.
6. The issuance of the applied-for license would benefit the public in general at this location for the premises is unique and there are no other like premises in the area that offers the groceries, prepared foods and meals, and other products that this premises offers.

**SUMMARY:**

The premises will be a full service gourmet market / grocery store which will provide unique food products for both on and off-premises consumption for approximately 3,000 residential units within the immediate area, and countless persons who work, visit and travel through the area. It would be a convenience to the public for the premises to be able to offer off-sale beer, wine and distilled spirits while they patronize the premises for its food / grocery products.

The Applicant wishes for the Board to consider the above facts and hopes that they find that the issuance of the applied-for Off-Sale type 21 Off-Sale General license would fulfill the public's convenience or necessity and allow the issuance of said license.

Respectfully submitted,



Christopher P. Foley, Managing Member  
SMARKET LLC

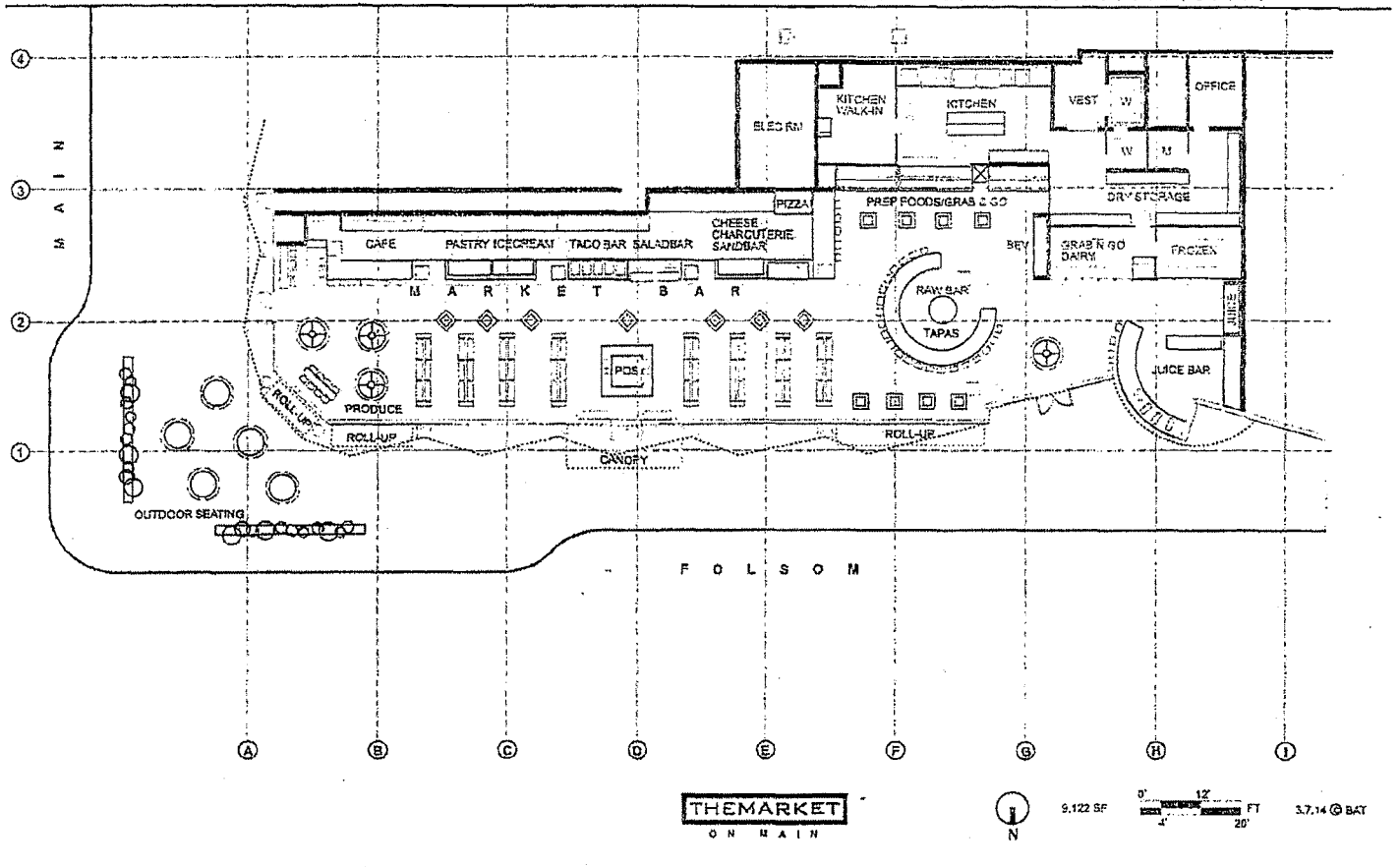
- Enc. ABC-257 form, Premises Diagram, Premises Operation (Retail)  
ABC-253 form, Supplemental Diagram  
ABC-245 form, Information and Instructions, Section 23958.4 B&P  
Premises diagram of all units, with measurements, 2 pages.  
ABC-227, Recorded Notice

Department of Alcoholic Beverage Control  
**LICENSED PREMISES DIAGRAM (RETAIL)**

State of California

1. APPLICANT NAME (Last, first, middle) <b>SMARKET LLC</b>	2. LICENSE TYPE <b>21 / 41</b>
3. PREMISES ADDRESS (Street number and name, city, zip code) <b>201 Folsom St., #101, San Francisco, CA. 94105</b>	4. NEAREST CROSS STREET <b>Main St.</b>

The diagram below is a true and correct description of the entrances, exits, interior walls and exterior boundaries of the premises to be licensed, including dimensions and identification of each room (i.e., "storeroom", "office", etc.).  
**DIAGRAM**



It is hereby declared that the above-described boundaries, entrances and planned operation as indicated on the reverse side, will not be changed without first notifying and securing prior written approval of the Department of Alcoholic Beverage Control. I declare under penalty of perjury that the foregoing is true and correct.

APPLICANT SIGNATURE (Only one signature required) <i>[Signature]</i>	DATE SIGNED <b>11/22/21</b>
CERTIFIED CORRECT (Signature)	FOR ABC USE ONLY
PRINTED NAME	INSPECTION DATE

Department of Alcoholic Beverage Control  
**PLANNED OPERATION (RETAIL)**

**SECTION I - FOR ALL RETAIL APPLICANTS**

1. APPLICANT NAME(S) <b>SMARKET LLC</b>		2. LICENSE TYPE(S) <b>21 / 41</b>					
3. PREMISES ADDRESS (Street number and name, city, zip code) <b>201 Folsom St., #101, San Francisco, CA. 94105</b>		4. NEAREST CROSS STREET <b>Main St.</b>					
5. TYPE OF BUSINESS (Choose one that best describes the planned operation)							
<input checked="" type="checkbox"/> Full Service Restaurant <input type="checkbox"/> Cafeteria/Hofbrau <input type="checkbox"/> Cocktail Lounge <input type="checkbox"/> Private Club <input checked="" type="checkbox"/> Deli or Specialty Restaurant <input type="checkbox"/> Comedy Club <input type="checkbox"/> Night Club <input type="checkbox"/> Veterans Club <input checked="" type="checkbox"/> Cafe/Coffee Shop <input type="checkbox"/> Brew Pub <input type="checkbox"/> Tavern <input type="checkbox"/> Fraternal Club <input type="checkbox"/> Bed & Breakfast <input type="checkbox"/> Theater <input type="checkbox"/> Wine Tasting Room <hr/> <input checked="" type="checkbox"/> Supermarket <input type="checkbox"/> Membership Store <input type="checkbox"/> Service Station <input type="checkbox"/> Swap Meet/Flea Market <input type="checkbox"/> Liquor Store <input type="checkbox"/> Department Store <input type="checkbox"/> Convenience Market <input type="checkbox"/> Drive-in Dairy <input type="checkbox"/> Variety/Drug Store <input type="checkbox"/> Gift Shop/Florist <input type="checkbox"/> Convenience Market w/Gasoline <input type="checkbox"/> Other - describe:							
6. PATRON CAPACITY <b>tbd</b>	7. SURROUNDING AREA <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Rural <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Other		8. PREMISES IS LOCATED IN <input checked="" type="checkbox"/> Free Standing Building <input type="checkbox"/> Shopping Center (Name): <input type="checkbox"/> 10 Units or Less <input type="checkbox"/> More than 10 Units				
9. FOOD SERVICE <input checked="" type="checkbox"/> None <input type="checkbox"/> Minimal <input type="checkbox"/> Full Meals		10. PARKING LOT? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	11. PATIO? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	12. WILL YOU HIRE A MANAGER? (Rule 57.5) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	13. WILL YOU HAVE A FOOD LESSEE? (Rule 57.7) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
14. MEAL TYPE <input checked="" type="checkbox"/> Dinner House <input type="checkbox"/> Seafood <input checked="" type="checkbox"/> Fast Food/Deli <input checked="" type="checkbox"/> Other: <input checked="" type="checkbox"/> Pizza/Pasta            Various venues.		15. TYPE OF FOOD <input checked="" type="checkbox"/> American <input type="checkbox"/> Greek <input type="checkbox"/> Indian <input type="checkbox"/> French <input type="checkbox"/> Chinese <input type="checkbox"/> Korean <input checked="" type="checkbox"/> Italian <input type="checkbox"/> Thai <input type="checkbox"/> Japanese <input checked="" type="checkbox"/> Other: Mexican, Spanish, etc.		16. HOURS OF FOOD SERVICE BREAKFAST HOURS From: 7:00 am To: Midnight LUNCH HOURS From: 7:00 am To: Midnight DINNER HOURS From: 7:00 am To: Midnight			
17. OPERATING HOURS							
	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Opening Time	7:00 am	7:00 am	7:00 am	7:00 am	7:00 am	7:00 am	7:00 am
Closing Time	Midnight	Midnight	Midnight	Midnight	Midnight	Midnight	Midnight
18. ENTERTAINMENT (One or more may apply. Please describe any entertainment with an asterisk (*) below)							
<input checked="" type="checkbox"/> None <input type="checkbox"/> *Amplified Music <input type="checkbox"/> Patron Dancing <input type="checkbox"/> Card Room <input type="checkbox"/> Recorded Music <input type="checkbox"/> *Live Entertainment <input type="checkbox"/> Bikini/Topless/Exotic <input type="checkbox"/> Movies <input type="checkbox"/> Juke Box <input type="checkbox"/> *Floor/Stage Shows <input type="checkbox"/> Pool/Billiard Tables <input type="checkbox"/> "Hot Spot"/Lottery <input type="checkbox"/> *Other <input type="checkbox"/> Karaoke <input type="checkbox"/> *Amateur/Pro Sports Events <input type="checkbox"/> Video/Coin-Operated Games							
*Description:							
19. PREMISES IS LOCATED ON <input type="checkbox"/> Major Thoroughfare <input checked="" type="checkbox"/> Secondary Street <input type="checkbox"/> Other				20. TYPE OF STRUCTURE <input type="checkbox"/> Single Story <input type="checkbox"/> Two-Story <input checked="" type="checkbox"/> Multi-Story - Number of stories: <b>8</b>			
21. PASS-THROUGH WINDOW? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		22. FIXED BARS? <input checked="" type="checkbox"/> Yes - how many: <b>3</b> <input type="checkbox"/> No		23. WHAT PERCENTAGE OF YOUR TOTAL SALES WILL BE ALCOHOLIC BEVERAGES? <b>7-10%</b>			
<b>FOR ABC USE ONLY</b>							
24. INFORMATION GIVEN (R-27, R-107, Sec. 25612.5, Sec. 23790.5, etc.)					25. DATE ENTERED INTO CABIN		



Department of Alcoholic Beverage Control  
**SUPPLEMENTAL DIAGRAM**

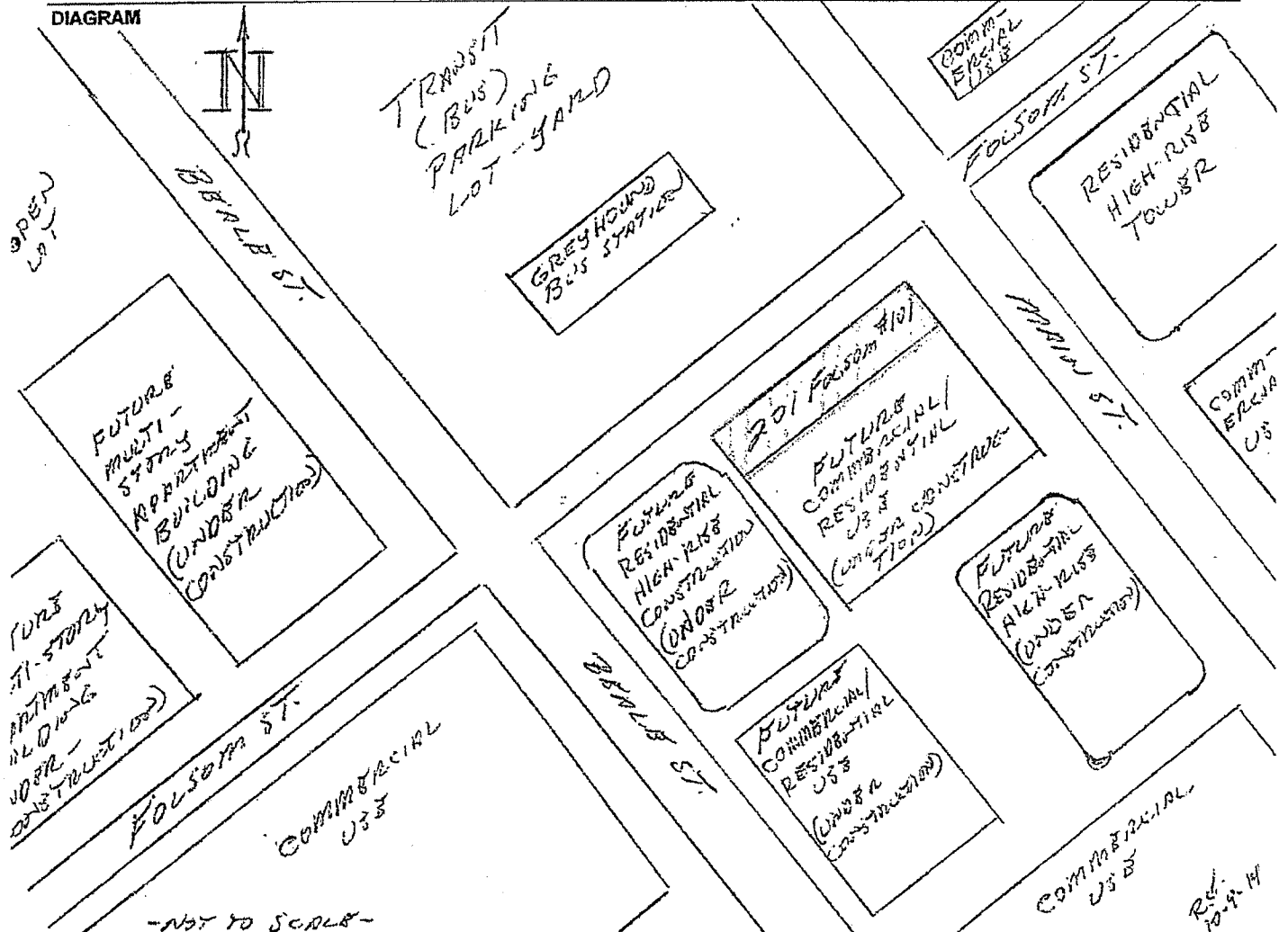
State of California  
 Edmund G. Brown Jr., Governor

**Instructions to Applicant:**

Draw a sketch of the area on which the licensed premises is or will be located. Show adjacent structures and nearest cross streets. If this is an event for a daily license, catering authorization or miscellaneous use, show the area where sales and consumption of alcoholic beverages will occur. Post a copy of this diagram with Daily License, Catering Authorization or Event Authorization where the event is held. Sales and consumption of alcoholic beverages must be confined to the area designated in the diagram and supervised to prevent violations of the Alcoholic Beverage Control Act.

1. APPLICANT NAME (Last, first, middle) <b>SMARKET LLC</b>	2. LICENSE TYPE <b>21/41</b>
3. PREMISES ADDRESS (Street number and name, city, zip code) <b>201 Folsom St., #101, San Francisco, CA. 94105</b>	4. NEAREST CROSS STREET <b>Main St.</b>

**DIAGRAM**



I have read the above instructions and I declare under penalty of perjury that the above diagram is true and correct.

APPLICANT SIGNATURE 	DATE SIGNED <b>11/2/14</b>
<b>FOR ABC USE ONLY</b>	
CERTIFIED CORRECT (Signature)	PRINTED NAME
	INSPECTION DATE

**INFORMATION AND INSTRUCTIONS -**

**SECTION 23958.4 B&P**

- Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.
- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
  - Part 2 is to be completed by the applicant, and returned to ABC.
  - Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

**PART 1 - TO BE COMPLETED BY ABC**

1. APPLICANT'S NAME Smart Market LLC

2. PREMISES ADDRESS (Street number and name, city, zip code) 201 Folsom St., #101, San Francisco, CA 94105

3. LICENSE TYPE 21

4. TYPE OF BUSINESS
- |   |  |  |  |
|---|--|--|--|
| <input type="checkbox"/> Full Service Restaurant                | <input type="checkbox"/> Hofbrau/Cafeteria | <input type="checkbox"/> Cocktail Lounge     | <input type="checkbox"/> Private Club      |
| <input type="checkbox"/> Deli or Specialty Restaurant           | <input type="checkbox"/> Comedy Club       | <input type="checkbox"/> Night Club          | <input type="checkbox"/> Veterans Club     |
| <input type="checkbox"/> Cafe/Coffee Shop                       | <input type="checkbox"/> Brew Pub          | <input type="checkbox"/> Tavern: Beer        | <input type="checkbox"/> Fraternal Club    |
| <input type="checkbox"/> Bed & Breakfast:                       | <input type="checkbox"/> Theater           | <input type="checkbox"/> Tavern: Beer & Wine | <input type="checkbox"/> Wine Tasting Room |
| <input type="checkbox"/> Wine only <input type="checkbox"/> All |  |  |  |

- |  |  |  |  |
|--|--|--|--|
| <input type="checkbox"/> Supermarket             | <input type="checkbox"/> Membership Store  | <input type="checkbox"/> Service Station               | <input type="checkbox"/> Swap Meet/Flea Market |
| <input checked="" type="checkbox"/> Liquor Store | <input type="checkbox"/> Department Store  | <input type="checkbox"/> Convenience Market            | <input type="checkbox"/> Drive-in Dairy        |
| <input type="checkbox"/> Drug/Variety Store      | <input type="checkbox"/> Florist/Gift Shop | <input type="checkbox"/> Convenience Market w/Gasoline |  |
| <input type="checkbox"/> Other - describe:       |  |  |  |

5. COUNTY POPULATION 11,502,812,820

6. TOTAL NUMBER OF LICENSES IN COUNTY 980

7. RATIO OF LICENSES TO POPULATION IN COUNTY  On-Sale  Off-Sale

8. CENSUS TRACT NUMBER 0615.00

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT 11

10. NO. OF LICENSES EXISTING IN CENSUS TRACT 21

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does this ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)

Yes, the number of existing licenses exceeds the number allowed

No, the number of existing licenses is lower than the number allowed

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

Yes (Go to Item #13)  No (Go to Item #20)

13. CRIME REPORTING DISTRICT NUMBER 252

14. TOTAL NUMBER OF REPORTING DISTRICTS 653

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS 53,948

16. AVERAGE NO. OF OFFENSES PER DISTRICT 83

17. 120% OF AVERAGE NUMBER OF OFFENSES 99

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT 141

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)

Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17

No, the total number of offenses in the reporting district is lower than the total number in item #17

20. CHECK THE BOX THAT APPLIES (check only one box)
- a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.
- b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.
- c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application. (BACK)

Governing Body/Designated Subordinate Name: Board of Supervisors

FOR DEPARTMENT USE ONLY  
PREPARED BY (Name of Department Employee) [Signature]

**PART 2 - TO BE COMPLETED BY THE APPLICANT (If box #20b is checked)**

21. Based on the information on the reverse, the Department may approve your application if you can show that public convenience or necessity would be served by the issuance of the license. Please describe below the reasons why issuance of another license is justified in

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22. APPLICANT SIGNATURE

23. DATE SIGNED

**PART 3 - TO BE COMPLETED BY LOCAL OFFICIALS (If box #20c is checked)**

The applicant named on the reverse is applying for a license to sell alcoholic beverages at a premises where undue concentration exists (i.e., an over-concentration of licenses and/or a higher than average crime rate as defined in Section 23958.4 of the Business and Professions Code). Sections 23958 and 23958.4 of the Business and Professions Code requires the Department to deny the application unless the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. Please complete items #24 to #30 below and certify or affix an official seal, or attach a copy of the Council or Board resolution or a signed letter on official letterhead stating whether or not the issuance of the applied for license would serve as a public convenience or necessity.

24. WILL PUBLIC CONVENIENCE OR NECESSITY BE SERVED BY ISSUANCE OF THIS ALCOHOLIC BEVERAGE LICENSE?

Yes

No

See Attached (i.e., letter, resolution, etc.)

25. ADDITIONAL COMMENTS, IF DESIRED (may include reasons for approval or denial of public convenience or necessity):

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26. CITY/COUNTY OFFICIAL NAME

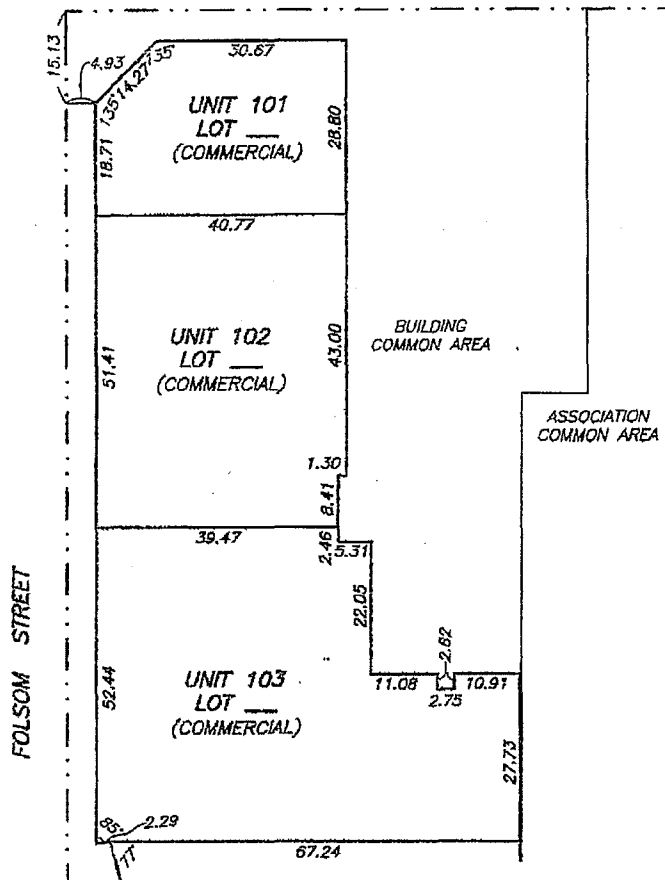
27. CITY/COUNTY OFFICIAL TITLE

28. CITY/COUNTY OFFICIAL PHONE NUMBER

29. CITY/COUNTY OFFICIAL SIGNATURE

30. DATE SIGNED

MAIN STREET



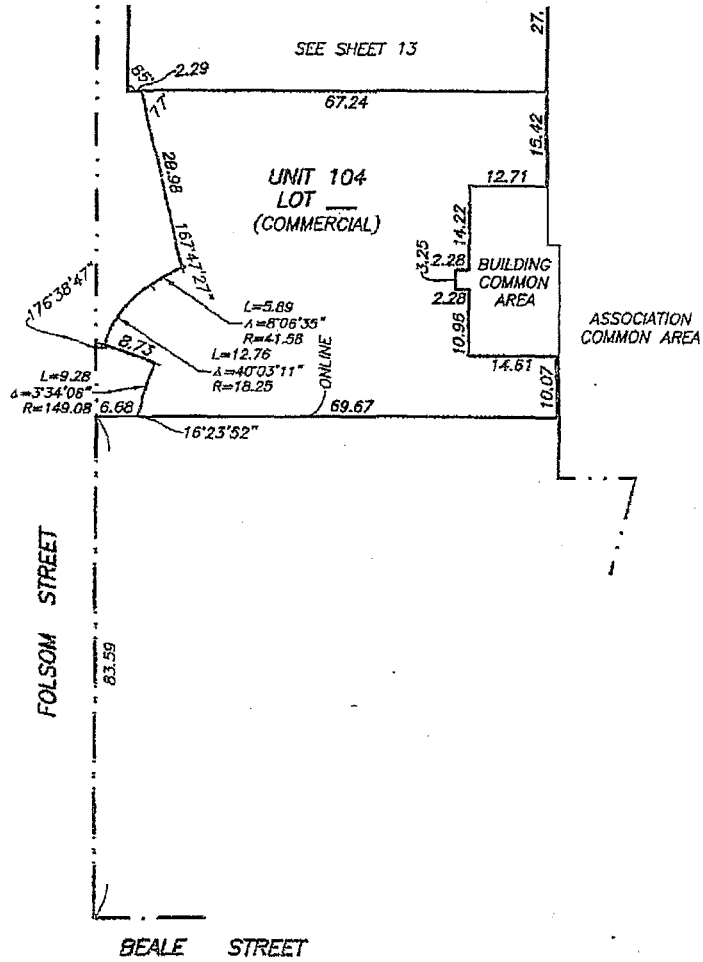
SEE SHEET 14

SUBJECT: 318 MAIN STREET, LEVEL 1

BY	RW	CHKD.	DATE	2-19-2014	SCALE	1"=20'	SHEET	13	JOB NO.	S-8222
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MARTIN M. RON ASSOCIATES, INC.  
LAND SURVEYORS

859 HARRISON STREET  
SAN FRANCISCO, CA. 94107  
(415) 543-4500



SUBJECT: 318 MAIN STREET, LEVEL 1

BY RW CHKD. DATE 2-19-2014 SCALE 1"=20' SHEET 14 JOB NO. S-8222

MARTIN M. RON ASSOCIATES, INC.  
LAND SURVEYORS

859 HARRISON STREET  
SAN FRANCISCO, CA. 94107  
(415) 543-4500



San Francisco Assessor-Recorder  
 Carmen Chu, Assessor-Recorder  
**DOC- 2014-J966509-00**  
 Tuesday, OCT 28, 2014 15:14:12  
 Ttl Pd \$15.00 Rcpt # 0005037739  
 okc/JL/1-1

RECORDING REQUESTED BY Capital Trust Escrow		
WHEN RECORDED MAIL TO: NAME Capital Trust Escrow		
MAILING ADDRESS (Street number and name) 280 S. Beverly Dr., Ste. 300		
CITY Beverly Hills	STATE CA	ZIP CODE 90212

DO NOT WRITE IN THE SPACE ABOVE. Government Code  
 Section 27361.6 reserves space above for exclusive use of County Recorder.

**NOTICE OF INTENDED TRANSFER OF RETAIL ALCOHOLIC BEVERAGE LICENSE UNDER SECTIONS 24073 AND 24074 CALIFORNIA BUSINESS AND PROFESSIONS CODE**  
 Read instructions before completing.

1. LICENSEE(S) NAME(S) (Seller)  
 Guadalupe M. RAMIREZ  
 Javier RAMIREZ

2. PREMISES ADDRESS TO WHICH LICENSE(S) HAS/HAVE BEEN ISSUED  
 225 11th St., San Francisco, CA. 94103

3. LICENSEE'S MAILING ADDRESS (if different)  
 225 11th St., San Francisco, CA. 94103

4. APPLICANT(S) NAME (Transferee or Buyer)  
 SMARKET LLC

5. PROPOSED BUSINESS ADDRESS (if different than item 2)  
 201 Folsom St., #101, San Francisco, CA. 94105

6. MAILING ADDRESS OF APPLICANT  
 850 7th St., San Francisco, CA. 94107

7. KIND OF LICENSE INTENDED TO BE TRANSFERRED  
 Type 21, Off-Sale General License #21-118638

8. ESCROW HOLDER/GUARANTOR NAME  
 Capital Trust Escrow - Escrow no. 003302 - FM

9. ESCROW HOLDER/GUARANTOR ADDRESS  
 280 S. Beverly Dr., Ste. 300, Beverly Hills, CA. 90212

10. TOTAL CONSIDERATION TO BE PAID FOR THE BUSINESS AND LICENSE, INCLUDING INVENTORY, WHETHER ACTUAL COST, ESTIMATED COST, OR A NOT-TO-EXCEED AMOUNT

CASH	\$ 45,000.00
CHECK(S)	
DEMAND NOTE(S)	
PROMISSORY NOTE(S)	
TANGIBLE AND/OR INTANGIBLE PROPERTY	
<b>TOTAL AMOUNT</b>	<b>\$ 45,000.00</b>

The parties agree that the consideration for the transfer of the business and the license(s) is to be paid only after the Department of Alcoholic Beverage Control has approved the proposed transfer. The parties also agree and herein direct the above-named escrow holder to make payment or distribution within a reasonable time after the completion of the transfer of the license as provided in Section 24074 of the California Business and Professions Code.

LICENSEE'S SIGNATURE (Transferor or Seller) <i>Leonila Ramirez</i>	For Javier RAMIREZ (decedent) Leonila Ramirez <del>Escrow</del> , Successor Trustee	DATE SIGNED 10-28-14
APPLICANT'S SIGNATURE (Transferee or Buyer) <i>CA</i>	Christopher P. FOLEY, Manager SMARKET LLC	DATE SIGNED 10-28-14

One copy of this notice, **CERTIFIED** by the County Recorder, together with an additional copy must accompany the application for the transfer of the license.  
 ABC-227 (2/07) State of California, Department of Alcoholic Beverage Control

This is a true certified copy of the record  
if it bears the seal, imprinted in purple ink,  
of the Assessor-Recorder

CARMEN CHU OCT 28 2014



ASSESSOR - RECORDER  
SAN FRANCISCO COUNTY, CALIFORNIA

BY

  
JOE LEE

SMARLET LLC  
Market On Main  
201 Folsom Street, Suite 101  
San Francisco, CA. 94105

November 21, 2014

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  
2014 DEC - 1 11:10:05  
kr

Re. Liquor License "PCN" Request

Honorable Board of Supervisors,

On October 30, 2014, the California Department of Alcoholic Beverage Control processed an application for SMARKET LLC, a gourmet market / grocery store, for a person to person and premises to premises transfer of a type 21, Off-Sale General license. The intended premises address in San Francisco is located in Supervisor District 6 at 201 Folsom Street, Suite 101. The location is within census tract #0615.00 which allows for eleven (11) off-sale type licenses within the census tract, based on the most recent estimated population count. At the present time, twenty-one (21) Off-Sale type licenses are issued within this census tract. The census tract is deemed to be over-concentrated at this time with Off-Sale type licenses.

Pursuant to the requirements of Section 23958.4 of the Business and Professions Code, SMARKET LLC, here-after known as "Applicant", is applying for a "PCN" review by the San Francisco Board of Supervisors. After review of all pertinent facts regarding this premises and the surrounding area, applicant hopes and wishes that the Board will find that the issuance of the applied-for type 21 Off-Sale General license will fulfill the public's convenience or necessity.

APPLICANT CONTACT INFORMATION:

SMARKET LLC  
Christopher P. Foley, Managing Member  
850 7th Street  
San Francisco, CA. 94107  
Telephone: 415-361-4803  
Email: [cfoley@polarispacific.com](mailto:cfoley@polarispacific.com)

Alan Miloslavich, Director of Operations  
524 2nd Street  
San Francisco, CA. 94107  
Telephone: 415-694-3341  
Email: [alan@themarketonmarket.com](mailto:alan@themarketonmarket.com)



**ABC LICENSE INFORMATION:**

The type 21, Off-Sale General license is being purchased from a current licensee within Supervisor District #6. The current ABC application is requesting transfer of ownership from the current licensee to the Applicant and from the current licensee's location to the applicant's location at 201 Folsom Street. The new intended address for the license on Folsom Street is also located within Supervisor District #6. The transfer of this license will not add to the current number of off-sale licenses located within Supervisor District #6.

**Current license being purchased / transferred from:**

Guadalupe M. Ramirez / Javier Ramirez  
Dba: Don Ramons  
225 11<sup>th</sup> Street  
San Francisco, CA. 94103

**Purchaser and intended location where license is to be transferred:**

SMARKET LLC (Managing Member: Christopher P. Foley)  
Dba: Market on Main  
201 Folsom Street, Suite 101 (corner of Main Street)  
San Francisco, CA. 94105  
Current building status: Under Construction (part of the Lumina complex project)

**BUSIENSS OPERATION INFORMATION:**

SMARKET LLC intends to operate a full service gourmet market / grocery store which will also have seven (7) types of prepared food venues within the store to provide on-site food preparation for on-site meal consumption and take-out prepared foods for off-site meal consumption. The applicant is applying to ABC for a person to person and premises to premises transfer (double transfer) of the type 21 Off-Sale General license for the grocery store operation of the business to provide patrons the opportunity to purchase beer, wine, and distilled spirits for off-premises consumption while shopping for groceries.

Applicant is also applying for an original type (41) On-Sale Beer and Wine Eating Place type license for the food venues within the subject grocery store to provide patrons the opportunity to complement their meal service with beer and wine if they wish. The type 41 On-Sale Beer and Wine license is not the subject of this request to the Board and the applicant will be providing substantiation to ABC as to how the premises will fulfill the public's convenience or necessity with the applied-for type 41 license. The food preparation and service at the grocery store is being mentioned so as to give the Board the full scope of services that will be offered at the grocery store for the benefit of the public.

The premises is part of the Lumina building complex located on Folsom Street between Main and Beale Streets comprised of two (2) buildings and two (2) towers. The premises will occupy suites #101, 102, 103 and 104 at 201 Folsom Street. The official business address will be 201 Folsom Street, Suite 101. The premises will occupy approximately 9,100 square feet of commercial space on the ground floor, level with street and pedestrian traffic. Copies of the premises diagrams, with measurements of each unit, are attached for the Boards review.

The proposed store hours will be from 7:00 am to Midnight, each day of the week. Estimated percentage of alcoholic beverage sales, as compared to food, meal, and non-alcohol items will be 7-10%. Copy of ABC form ABC-257, Licensed Premises Diagram and Planned Operation (Retail) is attached for your review.

**SUBSTANTIATION FOR A POSITIVE FINDING OF PUBLIC CONVENIENCE OR NECESSITY:**

1. Issuance of the applied-for license would benefit the existing 1,289 residential units located within 500 feet of the proposed premises location.

Currently there are 1,289 residential units in existing buildings located within 500 feet of the proposed premises location. The persons who reside in these units will benefit from a gourmet market / grocery store being located within walking distance of their residences which provides groceries, prepared foods for take-out and on-site consumption. It would be a convenience to these residents to have alcoholic beverages available for purchase to take back to their residences.

2. Issuance of the applied-for license would benefit the future 1,709 residential units located within 500 feet of the proposed premises location.

Within 500 feet of the proposed premises location there are approximately eight (8) buildings currently under construction which will contain an additional 1,709 residential units to the immediate area. With the addition of these residential units, the residential population in the immediate area will more than double, increasing the number of residents in need of a nearby gourmet market / grocery store which provides groceries, prepared food items for take-out and on-site consumption, and have the availability of off-sale alcoholic beverages that they could take back to their residences.

The current buildings under construction are as follows –

280 Beale Street – 479 residential units  
288 Beale Street – 24 residential units  
301 Beale Street – 285 residential units (Lumina Tower B)  
333 Beale Street – 80 residential units (Lumina Plaza C)  
255 Fremont Street – 85 residential units  
399 Fremont Street – 452 residential units  
318 Main Street – 59 residential units (Lumina Plaza A)  
338 Main Street – 245 residential units (Lumina Tower D)

Total residential units under construction at this time – 1,709\*

\*Information based on the San Francisco Planning Department web-site, San Francisco Property Information Map, Building Permits.

3. The issuance of the applied-for off-sale license would benefit local workers and business people who work in the immediate area who are within walking distance of the premises.

4. The issuance of the applied-for off-sale license would benefit persons traveling through the area on their way home who shop at the premises for groceries and other items prior to boarding public transportation.

Current public transit that operates from boarding areas located across the street from the proposed premises are AC Transit, Golden Gate Transit, Greyhound, Municipal Railway, SamTrans, and WestCAT Lynx which serves the City, the North Bay and the East Bay.

The proposed premises will be near the proposed new Transbay Transit Center when it is completed.

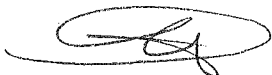
5. The issuance of the applied-for off-sale license would benefit tourists and visitors to the City in general, the Embarcadero Area, and the nearby AT&T Park.
6. The issuance of the applied-for license would benefit the public in general at this location for the premises is unique and there are no other like premises in the area that offers the groceries, prepared foods and meals, and other products that this premises offers.

SUMMARY:

The premises will be a full service gourmet market / grocery store which will provide unique food products for both on and off-premises consumption for approximately 3,000 residential units within the immediate area, and countless persons who work, visit and travel through the area. It would be a convenience to the public for the premises to be able to offer off-sale beer, wine and distilled spirits while they patronize the premises for its food / grocery products.

The Applicant wishes for the Board to consider the above facts and hopes that they find that the issuance of the applied-for Off-Sale type 21 Off-Sale General license would fulfill the public's convenience or necessity and allow the issuance of said license.

Respectfully submitted,



Christopher P. Foley, Managing Member  
SMARKET LLC

- Enc. ABC-257 form, Premises Diagram, Premises Operation (Retail)  
ABC-253 form, Supplemental Diagram  
ABC-245 form, Information and Instructions, Section 23958.4 B&P  
Premises diagram of all units, with measurements, 2 pages.  
ABC-227, Recorded Notice

Department of Alcoholic Beverage Control  
**LICENSED PREMISES DIAGRAM (RETAIL)**

State of California

1. APPLICANT NAME (Last, first, middle)

SMARKET LLC

2. LICENSE TYPE

21 / 41

3. PREMISES ADDRESS (Street number and name, city, zip code)

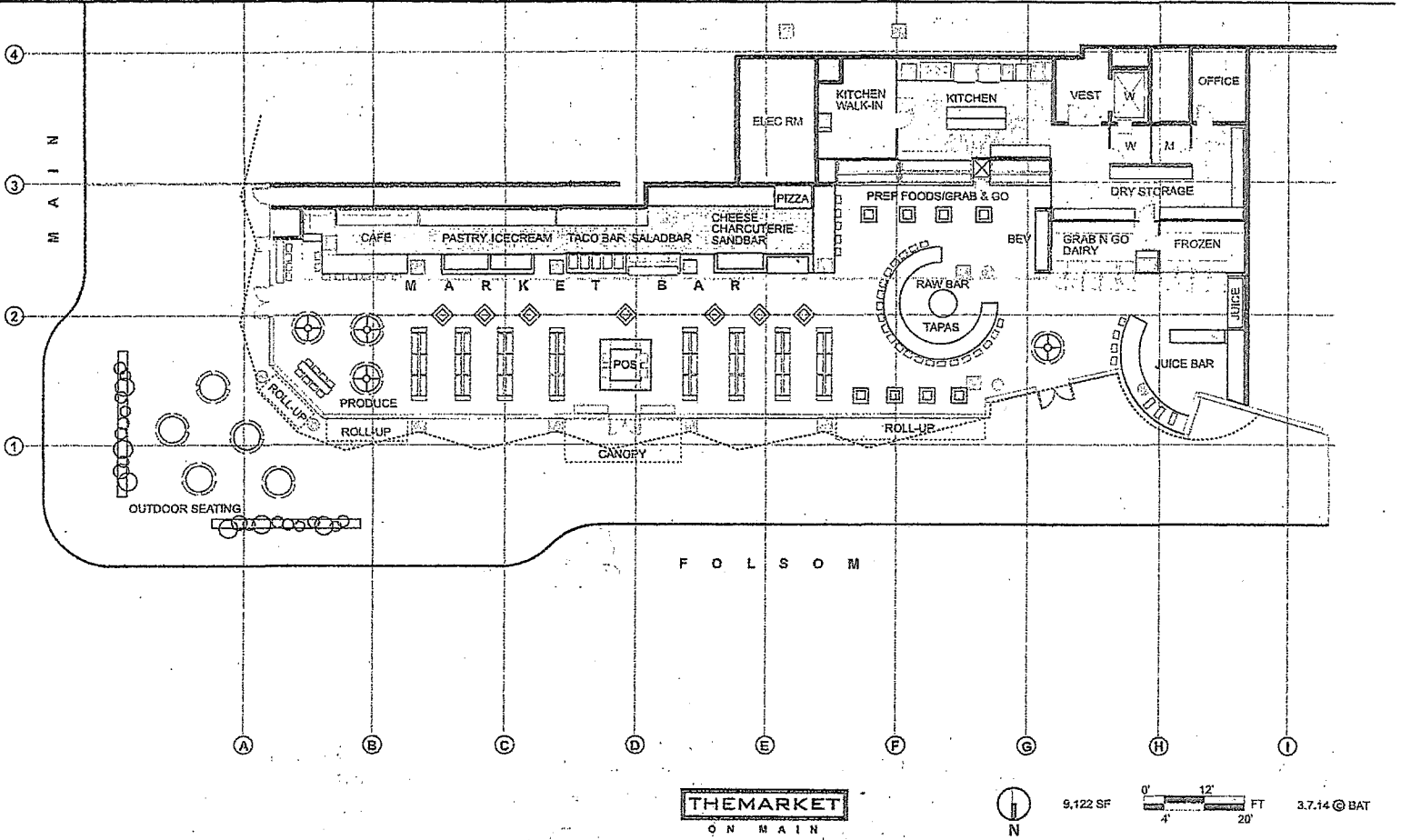
201 Folsom St., #101, San Francisco, CA. 94105

4. NEAREST CROSS STREET

Main St.

The diagram below is a true and correct description of the entrances, exits, interior walls and exterior boundaries of the premises to be licensed, including dimensions and identification of each room (i.e., "storeroom", "office", etc.)

**DIAGRAM**



It is hereby declared that the above-described boundaries, entrances and planned operation as indicated on the reverse side, will not be changed without first notifying and securing prior written approval of the Department of Alcoholic Beverage Control. I declare under penalty of perjury that the foregoing is true and correct.

APPLICANT SIGNATURE (Only one signature required)

*[Handwritten Signature]*

DATE SIGNED

11/26/2010

**FOR ABC USE ONLY**

CERTIFIED CORRECT (Signature)

PRINTED NAME

INSPECTION DATE

Department of Alcoholic Beverage Control  
**PLANNED OPERATION (RETAIL)**

**SECTION I - FOR ALL RETAIL APPLICANTS**

1. APPLICANT NAME(S) SMARKET LLC	2. LICENSE TYPE(S) 21 / 41
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3. PREMISES ADDRESS (Street number and name, city, zip code) 201 Folsom St., #101, San Francisco, CA. 94105	4. NEAREST CROSS STREET Main St.
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5. TYPE OF BUSINESS (Choose one that best describes the planned operation)

<input checked="" type="checkbox"/> Full Service Restaurant	<input type="checkbox"/> Cafeteria/Hofbrau	<input type="checkbox"/> Cocktail Lounge	<input type="checkbox"/> Private Club
<input checked="" type="checkbox"/> Deli or Specialty Restaurant	<input type="checkbox"/> Comedy Club	<input type="checkbox"/> Night Club	<input type="checkbox"/> Veterans Club
<input checked="" type="checkbox"/> Cafe/Coffee Shop	<input type="checkbox"/> Brew Pub	<input type="checkbox"/> Tavern	<input type="checkbox"/> Fraternal Club
<input type="checkbox"/> Bed & Breakfast	<input type="checkbox"/> Theater	<input type="checkbox"/> Wine Tasting Room	

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<input checked="" type="checkbox"/> Supermarket	<input type="checkbox"/> Membership Store	<input type="checkbox"/> Service Station	<input type="checkbox"/> Swap Meet/Flea Market
<input type="checkbox"/> Liquor Store	<input type="checkbox"/> Department Store	<input type="checkbox"/> Convenience Market	<input type="checkbox"/> Drive-in Dairy
<input type="checkbox"/> Variety/Drug Store	<input type="checkbox"/> Gift Shop/Florist	<input type="checkbox"/> Convenience Market w/Gasoline	
<input type="checkbox"/> Other - describe:			

6. PATRON CAPACITY  tbd	7. SURROUNDING AREA <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Rural <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Other	8. PREMISES IS LOCATED IN <input checked="" type="checkbox"/> Free Standing Building <input type="checkbox"/> Shopping Center (Name): <input type="checkbox"/> 10 Units or Less <input type="checkbox"/> More than 10 Units
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9. FOOD SERVICE <input checked="" type="checkbox"/> None <input type="checkbox"/> Minimal <input type="checkbox"/> Full Meals	10. PARKING LOT? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	11. PATIO? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	12. WILL YOU HIRE A MANAGER? (Rule 57.5) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	13. WILL YOU HAVE A FOOD LESSEE? (Rule 57.7) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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14. MEAL TYPE <input checked="" type="checkbox"/> Dinner House <input type="checkbox"/> Seafood <input checked="" type="checkbox"/> Fast Food/Deli <input checked="" type="checkbox"/> Other: Various venues. <input checked="" type="checkbox"/> Pizza/Pasta	15. TYPE OF FOOD <input checked="" type="checkbox"/> American <input type="checkbox"/> Greek <input type="checkbox"/> Indian <input type="checkbox"/> French <input type="checkbox"/> Chinese <input type="checkbox"/> Korean <input checked="" type="checkbox"/> Italian <input type="checkbox"/> Thai <input type="checkbox"/> Japanese <input checked="" type="checkbox"/> Other: Mexican, Spanish, etc.	16. HOURS OF FOOD SERVICE BREAKFAST HOURS From: 7:00 am To: Midnight LUNCH HOURS From: 7:00 am To: Midnight DINNER HOURS From: 7:00 am To: Midnight
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17. OPERATING HOURS	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Opening Time	7:00 am	7:00 am	7:00 am	7:00 am	7:00 am	7:00 am	7:00 am
Closing Time	Midnight	Midnight	Midnight	Midnight	Midnight	Midnight	Midnight

18. ENTERTAINMENT (One or more may apply. Please describe any entertainment with an asterick (\*) below)

<input checked="" type="checkbox"/> None	<input type="checkbox"/> *Amplified Music	<input type="checkbox"/> Patron Dancing	<input type="checkbox"/> Card Room
<input type="checkbox"/> Recorded Music	<input type="checkbox"/> *Live Entertainment	<input type="checkbox"/> Bikini/Topless/Exotic	<input type="checkbox"/> Movies
<input type="checkbox"/> Juke Box	<input type="checkbox"/> *Floor/Stage Shows	<input type="checkbox"/> Pool/Billiard Tables	<input type="checkbox"/> "Hot Spot"/Lottery
<input type="checkbox"/> *Other	<input type="checkbox"/> Karaoke	<input type="checkbox"/> *Amateur/Pro Sports Events	<input type="checkbox"/> Video/Coin-Operated Games

\*Description:

19. PREMISES IS LOCATED ON <input type="checkbox"/> Major Thoroughfare <input checked="" type="checkbox"/> Secondary Street <input type="checkbox"/> Other	20. TYPE OF STRUCTURE <input type="checkbox"/> Single Story <input type="checkbox"/> Two-Story <input checked="" type="checkbox"/> Multi-Story - Number of stories: 8
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21. PASS-THROUGH WINDOW? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	22. FIXED BARS? <input checked="" type="checkbox"/> Yes - how many: 3 <input type="checkbox"/> No	23. WHAT PERCENTAGE OF YOUR TOTAL SALES WILL BE ALCOHOLIC BEVERAGES? 7-10%
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**FOR ABC USE ONLY**

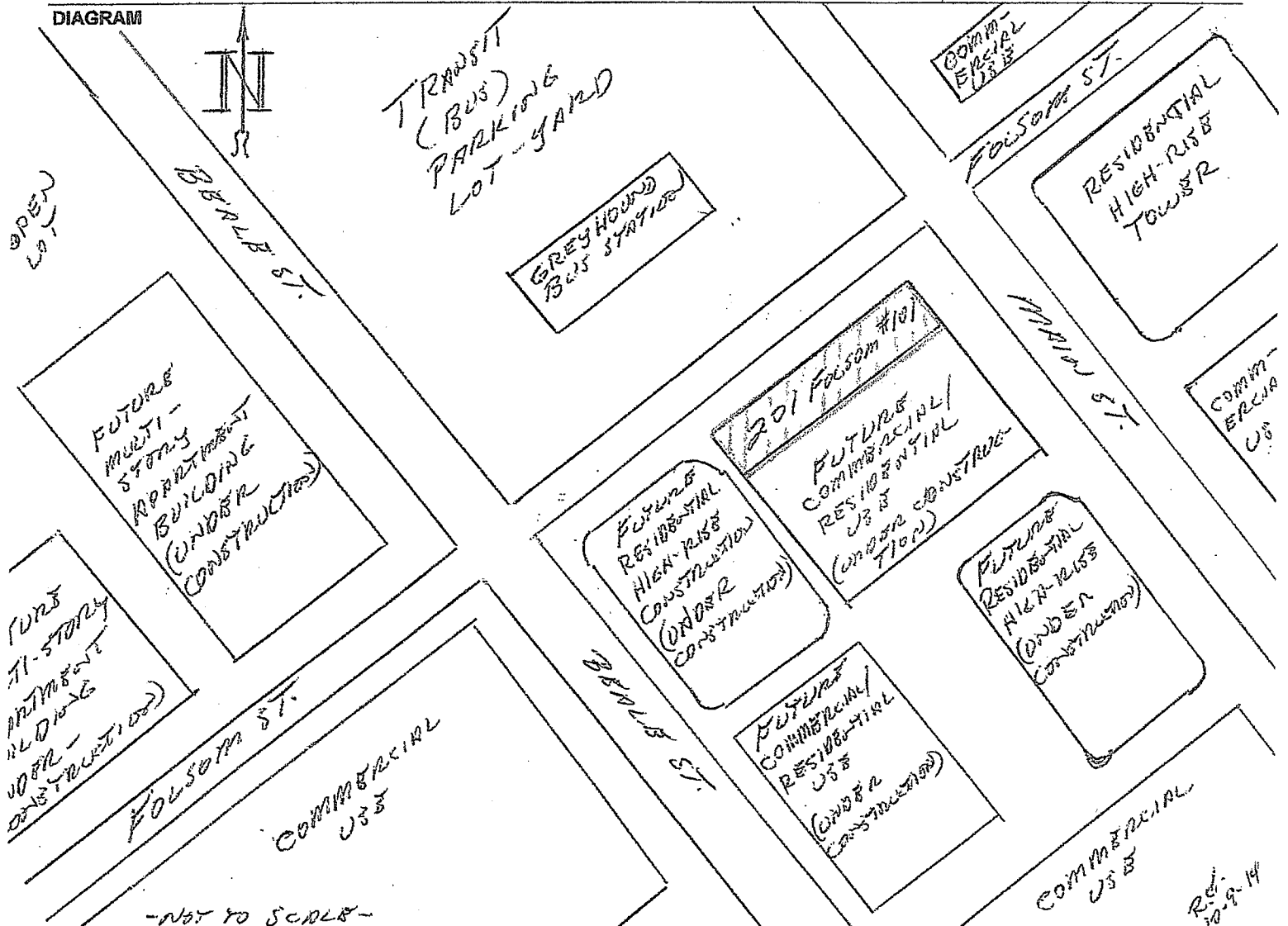
24. INFORMATION GIVEN (R-27, R-107, Sec. 25612.5, Sec. 23790.5, etc.)	25. DATE ENTERED INTO CABIN
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**Instructions to Applicant:**

Draw a sketch of the area on which the licensed premises is or will be located. Show adjacent structures and nearest cross streets. If this is an event for a daily license, catering authorization or miscellaneous use, show the area where sales and consumption of alcoholic beverages will occur. Post a copy of this diagram with Daily License, Catering Authorization or Event Authorization where the event is held. Sales and consumption of alcoholic beverages must be confined to the area designated in the diagram and supervised to prevent violations of the Alcoholic Beverage Control Act.

1. APPLICANT NAME (Last, first, middle) <b>SMARKET LLC</b>	2. LICENSE TYPE <b>21/41</b>
3. PREMISES ADDRESS (Street number and name, city, zip code) <b>201 Folsom St., #101, San Francisco, CA. 94105</b>	4. NEAREST CROSS STREET <b>Main St.</b>

**DIAGRAM**



I have read the above instructions and I declare under penalty of perjury that the above diagram is true and correct.

APPLICANT SIGNATURE 	DATE SIGNED <b>11/24/14</b>
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**FOR ABC USE ONLY**

CERTIFIED CORRECT (Signature)	PRINTED NAME	INSPECTION DATE
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**INFORMATION AND INSTRUCTIONS -**

**SECTION 23958.4 B&P**

- Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.
- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
  - Part 2 is to be completed by the applicant, and returned to ABC.
  - Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

**PART 1 - TO BE COMPLETED BY ABC**

1. APPLICANT'S NAME Smart Market LLC

2. PREMISES ADDRESS (Street number and name, city, zip code) 201 Folsom St., #101, San Francisco, CA 94105

3. LICENSE TYPE 21

4. TYPE OF BUSINESS

<input type="checkbox"/> Full Service Restaurant	<input type="checkbox"/> Hofbrau/Cafeteria	<input type="checkbox"/> Cocktail Lounge	<input type="checkbox"/> Private Club
<input type="checkbox"/> Deli or Specialty Restaurant	<input type="checkbox"/> Comedy Club	<input type="checkbox"/> Night Club	<input type="checkbox"/> Veterans Club
<input type="checkbox"/> Cafe/Coffee Shop	<input type="checkbox"/> Brew Pub	<input type="checkbox"/> Tavern: Beer	<input type="checkbox"/> Fraternal Club
<input type="checkbox"/> Bed & Breakfast:	<input type="checkbox"/> Theater	<input type="checkbox"/> Tavern: Beer & Wine	<input type="checkbox"/> Wine Tasting Room
<input type="checkbox"/> Wine only	<input type="checkbox"/> All		

<input type="checkbox"/> Supermarket	<input type="checkbox"/> Membership Store	<input type="checkbox"/> Service Station	<input type="checkbox"/> Swap Meet/Flea Market
<input checked="" type="checkbox"/> Liquor Store	<input type="checkbox"/> Department Store	<input type="checkbox"/> Convenience Market	<input type="checkbox"/> Drive-in Dairy
<input type="checkbox"/> Drug/Variety Store	<input type="checkbox"/> Florist/Gift Shop	<input type="checkbox"/> Convenience Market w/Gasoline	
<input type="checkbox"/> Other - describe:			

5. COUNTY POPULATION 11,502,812,820

6. TOTAL NUMBER OF LICENSES IN COUNTY 980  On-Sale  Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY  On-Sale  Off-Sale

8. CENSUS TRACT NUMBER 0615.00

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT 11  On-Sale  Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT 21  On-Sale  Off-Sale

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)

Yes, the number of existing licenses exceeds the number allowed

No, the number of existing licenses is lower than the number allowed

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

Yes (Go to Item #13)  No (Go to Item #20)

13. CRIME REPORTING DISTRICT NUMBER 252

14. TOTAL NUMBER OF REPORTING DISTRICTS 653

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS 53,948

16. AVERAGE NO. OF OFFENSES PER DISTRICT 83

17. 120% OF AVERAGE NUMBER OF OFFENSES 99

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT 191

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)

Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17

No, the total number of offenses in the reporting district is lower than the total number in item #17

20. CHECK THE BOX THAT APPLIES (check only one box)

a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.

b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.

c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application. (BACK)

Governing Body/Designated Subordinate Name:

Board of Supervisors

**FOR DEPARTMENT USE ONLY**

PREPARED BY (Name of Department Employee)

ABC

**PART 2 - TO BE COMPLETED BY THE APPLICANT (If box #20b is checked)**

21. Based on the information on the reverse, the Department may approve your application if you can show that public convenience or necessity would be served by the issuance of the license. Please describe below the reasons why issuance of another license is justified in

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22. APPLICANT SIGNATURE

23. DATE SIGNED

**PART 3 - TO BE COMPLETED BY LOCAL OFFICIALS (If box #20c is checked)**

The applicant named on the reverse is applying for a license to sell alcoholic beverages at a premises where undue concentration exists (i.e., an over-concentration of licenses and/or a higher than average crime rate as defined in Section 23958.4 of the Business and Professions Code). Sections 23958 and 23958.4 of the Business and Professions Code requires the Department to deny the application unless the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. Please complete items #24 to #30 below and certify or affix an official seal, or attach a copy of the Council or Board resolution or a signed letter on official letterhead stating whether or not the issuance of the applied for license would serve as a public convenience or necessity.

24. WILL PUBLIC CONVENIENCE OR NECESSITY BE SERVED BY ISSUANCE OF THIS ALCOHOLIC BEVERAGE LICENSE?

Yes           No           See Attached (i.e., letter, resolution, etc.)

25. ADDITIONAL COMMENTS, IF DESIRED (may include reasons for approval or denial of public convenience or necessity):

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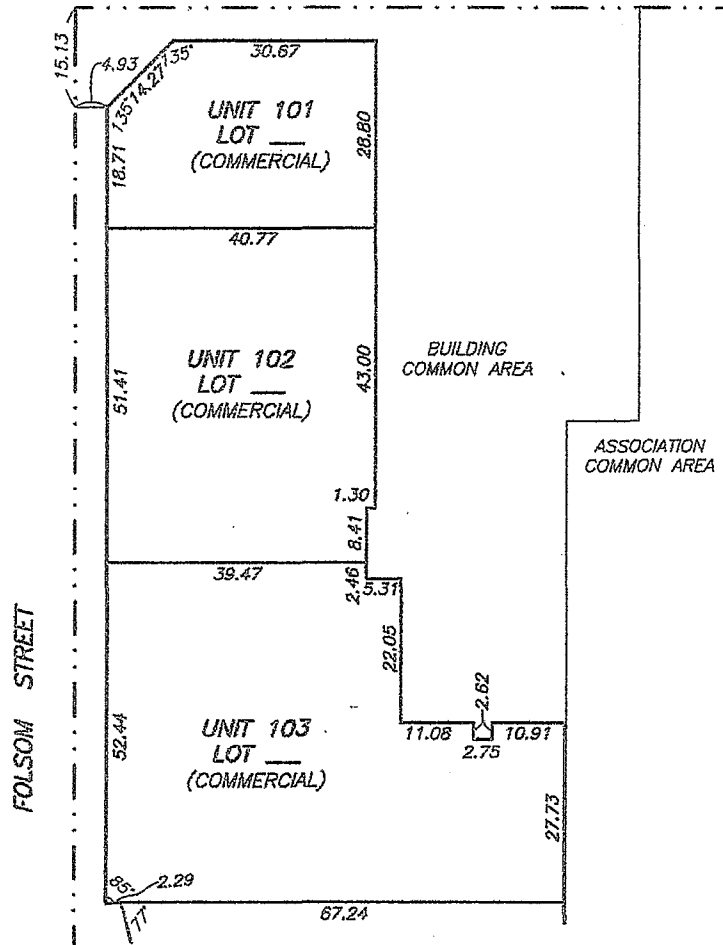
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26. CITY/COUNTY OFFICIAL NAME	27. CITY/COUNTY OFFICIAL TITLE	28. CITY/COUNTY OFFICIAL PHONE NUMBER
29. CITY/COUNTY OFFICIAL SIGNATURE	30. DATE SIGNED	



MAIN STREET



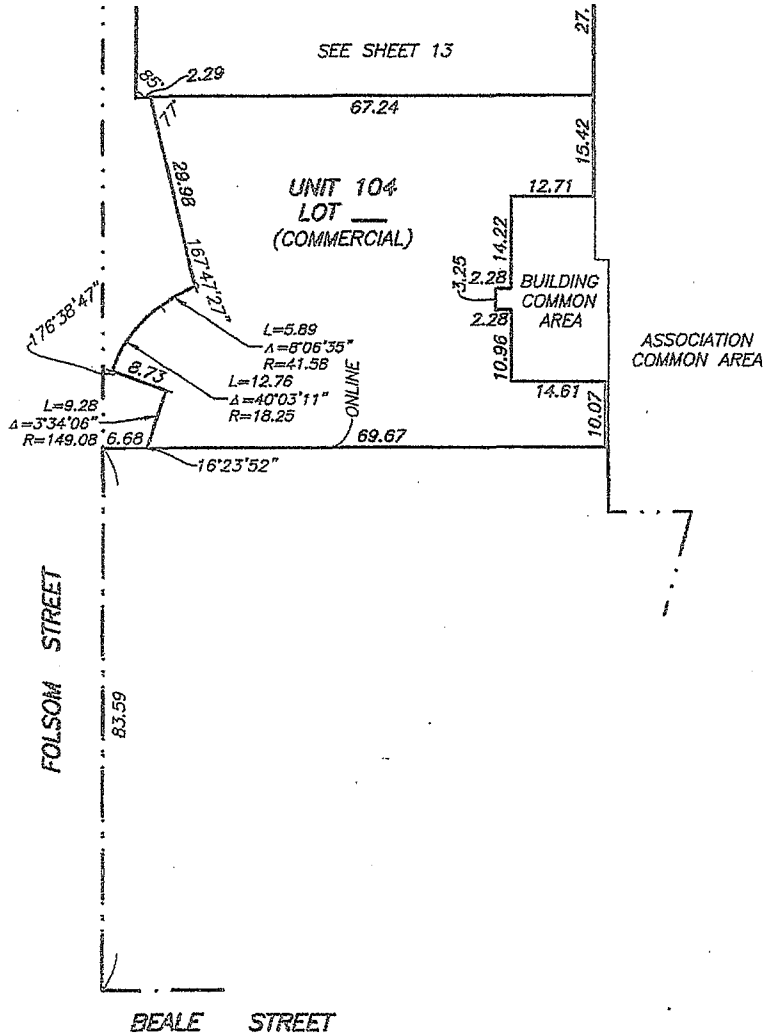
SEE SHEET 14

SUBJECT: 318 MAIN STREET, LEVEL 1

BY	RW	CHKD.	DATE	2-19-2014	SCALE	1"=20'	SHEET	13	JOB NO.	S-8222
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MARTIN M. RON ASSOCIATES, INC.  
LAND SURVEYORS

859 HARRISON STREET  
SAN FRANCISCO, CA. 94107  
(415) 543-4500



SUBJECT: 318 MAIN STREET, LEVEL 1

BY RW CHKD. \_\_\_\_\_ DATE 2-19-2014 SCALE 1"=20' SHEET 14 JOB NO. S-8222

MARTIN M. RON ASSOCIATES, INC.  
LAND SURVEYORS

859 HARRISON STREET  
SAN FRANCISCO, CA. 94107  
(415) 543-4500

## LIQUOR LICENSE REVIEW

**TO:** Planning Department  
AnMarie Rodgers/CTYPLN/SFGOV  
Georgia Powell/CTYPLN/SFGOV@SFGOV  
Fax No.: 558-6409

**File:** 141173

**TO:** Police Department  
Lieutenant Dave Falzon  
Inspector Nelly Gordon  
Fax No.: 553-1463

**DATE:** December 3, 2014

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This item is tentatively scheduled to be heard in four to six weeks.  
**PLEASE EMAIL YOUR RESPONSE BY:** January 16, 2014, to Derek Evans,  
Clerk, Neighborhood Services and Safety Committee.

**Derek.Evans@sfgov.org - Fax No: 554-7714**

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**Applicant Name:** Christopher Foley  
**and Business Name:** SMARKET LLC, dba Market on Main  
(201 Folsom Street, Suite 101)

**Applicant Address:** 850 7<sup>th</sup> Street  
San Francisco, CA 94107  
**and Phone No.** (415) 361-4803

**PLANNING COMMENTS:**       Approval       Denial

**POLICE COMMENTS:**       Approval       Denial



San Francisco Assessor-Recorder  
 Carmen Chu, Assessor-Recorder  
**DOC- 2014-J966509-00**

Tuesday, OCT 28, 2014 15:14:12  
 Ttl Pd \$15.00 Rpt # 0005037739  
 okc/JL/1-1

RECORDING REQUESTED BY  
 Capital Trust Escrow

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WHEN RECORDED MAIL TO:  
 NAME  
 Capital Trust Escrow

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MAILING ADDRESS (Street number and name)  
 280 S. Beverly Dr., Ste. 300

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CITY STATE ZIP CODE  
 Beverley Hills CA 90212

**DO NOT WRITE IN THE SPACE ABOVE.** Government Code  
 Section 27361.6 reserves space above for exclusive use of County Recorder.

**NOTICE OF INTENDED TRANSFER OF RETAIL ALCOHOLIC BEVERAGE LICENSE UNDER SECTIONS 24073 AND 24074 CALIFORNIA BUSINESS AND PROFESSIONS CODE**

*Read instructions before completing.*

1. LICENSEE(S) NAME(S) (Seller)  
 Guádalupe M. RAMIREZ  
 Javier RAMIREZ

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2. PREMISES ADDRESS TO WHICH LICENSE(S) HAS/HAVE BEEN ISSUED  
 225 11th St., San Francisco, CA. 94103

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3. LICENSEE'S MAILING ADDRESS (If different)  
 225 11th St., San Francisco, CA. 94103

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4. APPLICANT(S) NAME (Transferee or Buyer)  
 SMARKET LLC

5. PROPOSED BUSINESS ADDRESS (If different than Item 2)  
 201 Folsom St., #101, San Francisco, CA. 94105

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6. MAILING ADDRESS OF APPLICANT  
 850 7th St., San Francisco, CA. 94107

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7. KIND OF LICENSE INTENDED TO BE TRANSFERRED  
 Type 21, Off-Sale General License #21-118638

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8. ESCROW HOLDER/GUARANTOR NAME  
 Capital Trust Escrow - Escrow no. 003302 - FM

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9. ESCROW HOLDER/GUARANTOR ADDRESS  
 280 S. Beverly Dr., Ste. 300, Beverly Hills, CA. 90212

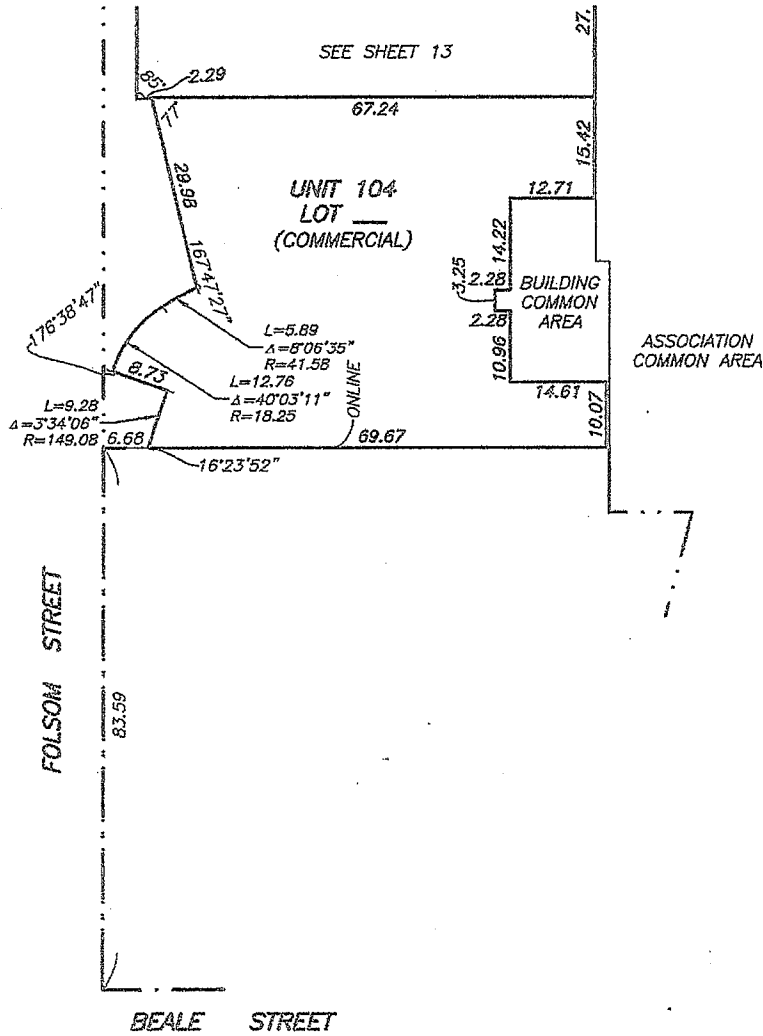
10. TOTAL CONSIDERATION TO BE PAID FOR THE BUSINESS AND LICENSE, INCLUDING INVENTORY, WHETHER ACTUAL COST, ESTIMATED COST, OR A NOT-TO-EXCEED AMOUNT

CASH	\$ 45,000.00
CHECK(S)	_____
DEMAND NOTE(S)	_____
PROMISSORY NOTE(S)	_____
TANGIBLE AND/OR INTANGIBLE PROPERTY	_____
<b>TOTAL AMOUNT</b>	<b>\$ 45,000.00</b>

The parties agree that the consideration for the transfer of the business and the license(s) is to be paid only after the Department of Alcoholic Beverage Control has approved the proposed transfer. The parties also agree and herein direct the above-named escrow holder to make payment or distribution within a reasonable time after the completion of the transfer of the license as provided in Section 24074 of the California Business and Professions Code.

LICENSEE'S SIGNATURE <i>Leonila Ramirez</i> (Transferor or Seller)	For Javier RAMIREZ (decedent) Leonila Ramirez <del>COBENRE</del> , Successor Trustee	DATE SIGNED 10-28-14
APPLICANT'S SIGNATURE <i>CP</i> (Transferee or Buyer)	Christopher P. FOLEY, Manager SMARKET LLC	DATE SIGNED 10-28-14

One copy of this notice, **CERTIFIED** by the County Recorder, together with an additional copy must accompany the application for the transfer of the license.



SUBJECT: 318 MAIN STREET, LEVEL 1

BY RW CHKD. DATE 2-19-2014 SCALE 1"=20' SHEET 14 JOB NO. S-8222

MARTIN M. RON ASSOCIATES, INC.  
LAND SURVEYORS

859 HARRISON STREET  
SAN FRANCISCO, CA. 94107  
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