

1 [Liquor License Transfer - 201 Folsom Street]

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3 **Resolution determining that the transfer of a Type 21 off-sale general license from**
4 **225-11th Street to 201 Folsom Street, Suite 101 (District 6), to Christopher Foley**
5 **for SMARKET LLC, dba Market on Main, will serve the public convenience or**
6 **necessity of the City and County of San Francisco, in accordance with California**
7 **Business and Professions Code, Section 23958.4, and recommending that the**
8 **California Department of Alcoholic Beverage Control impose conditions on the**
9 **issuance of the license.**

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11 WHEREAS, Christopher Foley is seeking the transfer of a Type 21 off-sale
12 general license from 225-11th Street to 201 Folsom Street, Suite 101 (District 6) for
13 SMARKET LLC, dba Market on Main; and,

14 WHEREAS, The Planning Department has verified that the area is properly
15 zoned and recommends approval; and,

16 WHEREAS, The Police Department has filed zero (0) protests with the
17 Department of Alcoholic Beverage Control under California Business and Professions
18 Code, Section 24013, and recommends that the Department of Alcoholic Beverage
19 Control issue the liquor license with conditions; and

20 WHEREAS, The conditions recommended by the Police Department are the
21 following: 1) Sales of alcoholic beverages shall be permitted between the hours of 7:00
22 a.m. and 12:00 a.m. daily; 2) No more than 5% of the square footage of the public retail
23 space (not including the storage area) of the premises will be used for the display of
24 alcoholic beverages; 3) The sale of distilled spirits in sizes smaller than 375 ml is
25 strictly prohibited; 4) No malt beverage shall be sold with an alcoholic content great

1 than 5.7% by volume, except for microbrews, craft brews, organic and specialty malt
2 products sold under such designations as stout, porter, IPA, and ESB. This condition is
3 intended to eliminate high alcohol, low-cost products that are frequently abused, but not
4 prevent the sales of specialty and craft beer products; 5) Beer, malt beverages and
5 wine coolers in containers larger than 32 oz are strictly prohibited; 6) No beer or malt
6 beverages shall be sold in quantities of less than the manufacturer pre-packaged four
7 (4) packs per sale. No wine-coolers or beer coolers shall be sold in less than the
8 manufacturer pre-packaged multi-unit quantities of four (4); 7) No wine shall be sold
9 with an alcoholic content of great than 15% by volume except for "Dinner Wines" which
10 have been aged two years or more and maintained in corked bottles; and 8) Wine shall
11 not be sold in bottles or containers smaller than 750 ml, unless sold in manufacturer
12 pre-packaged multi-unit quantities; now, therefore, be it

13 RESOLVED, That in accordance with California Business and Professions Code,
14 Section 23958.4, the Board of Supervisors of the City and County of San Francisco
15 hereby determines that the transfer of a Type 21 off-sale general license from 225-11th
16 Street to 201 Folsom Street, Suite 101 (District 6), to Christopher Foley for SMARKET
17 LLC, dba Market on Main, will serve the public convenience or necessity of the City and
18 County of San Francisco; and, be it

19 FURTHER RESOLVED, That the Board of Supervisors of the City and County of
20 San Francisco hereby endorses and adopts the recommendations of the Police
21 Department listed above and recommends that the Department of Alcoholic Beverage
22 Control issue the license with those conditions.

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