

Carroll, John (BOS)

From: Carroll, John (BOS)
Sent: Friday, January 20, 2023 3:26 PM
To: Salmonson, Joel (POL); Wong, Joanne (POL); Jonas, Stephen (POL)
Cc: CPC.Referrals; Alabanza, Analyn@ABC; amarjit.tamber@abc.ca.gov; Burch, Percy (BOS); Gallardo, Tracy (BOS); Gee, Natalie (BOS); Lopez-Weaver, Lindsey (BOS); Donovan, Dominica (BOS)
Subject: RE: Liquor License Transfer - 3801-3 Street - Lucky Bayview - File No. 230022
Categories: 230022

Good afternoon,

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

[Planning Dept. Response - Received January 19, 2023](#)

The matter is now awaiting review by the Police Department's ALU.

After receiving review from the Police Department, the Public Safety and Neighborhood Services Committee may hear and consider public convenience or necessity findings for the application, to be forwarded to the California Department of Alcoholic Beverage Control for their consideration in the license matter.

The Public Safety and Neighborhood Services Committee will tentatively schedule this hearing for a regular meeting in March of 2023.

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

[Board of Supervisors File No. 230022](#)

Thanks for the review.

John Carroll
Assistant Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415) 554-4445

(VIRTUAL APPOINTMENTS) To schedule a virtual meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation and archived matters since August 1998.

Carroll, John (BOS)

From: Oropeza, Edgar (CPC)
Sent: Thursday, January 19, 2023 1:53 PM
To: Carroll, John (BOS)
Subject: 3801 3rd Street Liquor Review and Recommendation.
Attachments: ABC referral - 3801 3rd St - Lucky Bayview0 (ID 1329026).pdf; 3801 3rd st PCN Referral 011323.pdf

Categories: 230022

For your review.

Recommend approval per the following planning code restrictions based on sections 249.62 (Third Street Alcohol Restricted Use District and 102 (Definitions).

(c) For purposes of Planning Code Sections 249.5, 781.8, 781.9, 782, and 784, the retail uses explicitly exempted from this definition as set forth above shall only apply to General Grocery and Specialty Grocery stores that exceed 5,000 square feet in size and shall not:

- (1) sell any malt beverage with an alcohol content greater than 5.7 percent by volume; any wine with an alcohol content of greater than 15 percent by volume, except for “dinner wines” that have been aged two years or more and maintained in a corked bottle; or any distilled spirits in container sizes smaller than 600 milliliters;
- (2) devote more than 15 percent of the gross square footage of the establishment to the display and sale of alcoholic beverages; and
- (3) sell single servings of beer in container sizes 24 ounces or smaller.

Edgar Oropeza,
Senior Planner, Planning Information Center, Current Planning

Planning Department, City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103

Direct: 415-558-6381 **Fax:** 415-558-6409

Email: edgar.oropeza@sfgov.org

Web: www.sfplanning.org



BOARD of SUPERVISORS



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

LIQUOR LICENSE PUBLIC CONVENIENCE OR NECESSITY REFERRAL

TO: Planning Department
Attn: Edgar Oropeza
Phone No. edgar.oropeza@sfgov.org

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

DATE: January 13, 2023

AP Block/Lot Nos.: 5235/012
Zoning: PDR-2, 65-J
Quad: Bayview HP Planning Area
Record No.: _____

Please submit your response within three weeks. The Public Safety and Neighborhood Services Committee will tentatively schedule the PC or N hearing for the regular meeting of March 9, 2023.

PLEASE EMAIL YOUR RESPONSE by February 3, 2023, to:
John Carroll, Public Safety and Neighborhood Services Committee Clerk.
john.carroll@sfgov.org ~ (415) 554-4445

Applicant name: Save Mart Supermarkets LLC

Business name: Lucky Bayview

Application address: 3801-3rd Street
San Francisco, CA 94124

Applicant contact info: Beth Aboulafia
415-362-1215, ext. 104
<mailto:Aboulafia@Beveragelaw.com>

PLANNING REVIEW: **Approval** **Denial**

Planning Staff Contact: Edgar Oropeza, edgar.oropeza@sfgov.org
(Please add comments on a trailing page.)

POLICE REVIEW: **Approval** **Denial**
(Please add comments in a trailing report.)



VIA WESTERN MESSENGER

January 11, 2023

Clerk of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlet Place, Room 244
San Francisco CA 94012

RE: Request for Resolution of Public Convenience or Necessity

Please find enclosed a Request for Resolution of Public Convenience or Necessity
Save Mart Supermarkets LLC – 3801 3rd Street, San Francisco CA 94124.

If you have any questions, please contact Beth Aboulafia, partner at
Hinman and Carmichael LLP at 415-362-1215, ext. 104, or via e-mail at
aboulafia@beveragelaw.com.

Kind regards,

A handwritten signature in blue ink, appearing to read 'Una Carolan', written over a horizontal line.

Una Carolan
Senior Paralegal

Enclosure

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2023 JAN 11 PM 1:39
BY A vertical stamp and signature block. It includes a 'RECEIVED' stamp from the Board of Supervisors, San Francisco, dated 2023 JAN 11 PM 1:39. To the left of the stamp is a handwritten signature in blue ink over a horizontal line.

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

Re: Request for Resolution of Public Convenience or Necessity
Save Mart Supermarkets LLC, dba Save Mart
3801 3rd Street, San Francisco, CA 94124

Dear Board of Supervisors:

Save Mart Supermarkets LLC ("Save Mart") has applied to the Department of Alcoholic Beverage Control for a Type 21 General Off-Sale license for the Save Mart supermarket in the Bayview Hunters Point neighborhood. Because the store is located in a census tract that has an "undue concentration" of off-sale licenses under Section 23958.4 of the California Business and Professions Code, we are requesting a determination by the Board of Supervisors that public convenience or necessity will be served by issuance of the license.

Save Mart has applied for a person-to-person, premises-to-premises transfer of an existing Type 21 license to its store location in the Bayview Plaza. The grocery store is open 7 days a week from 6 a.m. to 9 p.m. and offers the Bayview community convenient access to fresh, quality groceries.

Save Mart is committed to offering a "Full Shop" for customers including a substantial fresh fruit and vegetable section, fresh dairy and cheese offerings, and fresh meat and poultry, in addition to household basics. Customers will also have a full selection of alcohol for purchase with their groceries instead of having to visit another shop for all their grocery needs. The alcohol display will be located at the front of the store behind the checkout area and will account for less than 2% of the entire square footage of the store. While alcohol will be only a small component of the overall grocery offerings, the ability to purchase alcoholic beverages along with food items is a convenience customers expect from a full-service grocery store.

Save Mart is committed to the safe and proper sale of alcoholic beverages and has put several measures into place to ensure that alcohol sales are conducted in a responsible manner, including training for all cashiers in responsible alcohol beverage sales, policies and procedures for checking ID of customers purchasing alcoholic beverages and requiring that all alcohol purchases be made by a live checker, and not at self-checkouts.

The Bayview Hunters Point neighborhood, with its more than 35,000 residents, has been identified as a food desert by the United States Department of Agriculture. The community deserves a full-service grocery store as well a business that will invest in the community. Save Mart management has been meeting regularly with an advisory committee of neighborhood residents to ensure that it understands and addresses the needs of local residents. Save Mart hires employees from the District 10 neighborhood and is currently working with local vendors, including local breweries, to feature their products. Save Mart is committed to a comprehensive and continuing community engagement plan.

For the reasons set forth above, we respectfully request that the Board of Supervisors make a finding that issuance of the Type 21 license to Save Mart will serve public convenience or necessity.

Should you have any questions or concerns, please contact our alcoholic beverage attorney, Beth Aboulafia at 415-362-1215, ext. 104, or aboulafia@beveragelaw.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sadiq Ali", with a stylized flourish at the end.

Sadiq Ali, Manager
Save Mart Supermarkets LLC



CALIFORNIA DEPARTMENT OF

Alcoholic Beverage Control

Report Date: Friday, January 13, 2023

LICENSE INFORMATION

License Number: 645271 **Primary Owner:** SAVE MART SUPERMARKETS LLC

Office of Application: 24 - SAN FRANCISCO

BUSINESS NAME

LUCKY BAYVIEW

BUSINESS ADDRESS

3801 3RD ST , SAN FRANCISCO, CA, 94124

County: SAN FRANCISCO **Census Tract:** 0612.00

LICENSEE INFORMATION

Licensee: SAVE MART SUPERMARKETS LLC

Company Information

OFFICER: SADIQ, ALI (CHIEF FINANCIAL OFFICER)

OFFICER: SADIQ, ALI (VICE PRESIDENT)

OFFICER: SADIQ, ALI (MANAGER)

MEMBER: SM BUYER LLC

LICENSE TYPES

Allow up to six weeks for expiration date updates after fee waiver or renewal fee submittal.

21 - OFF-SALE GENERAL

License Type Status: PENDING **Status Date:** 10-JAN-2023 **Term:** 12 Month(s)

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

Transfers: From License Number: [21-473460](#)

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:** 10-JAN-2023

ESCROWS:

ABC ESCROW, 2222 DAMON ST LOS ANGELES,CALIFORNIA 90021

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)

ABC 211 (6/99)

Ms. Una Carolan
(Senior Paralegal)
Hinman & Carmichael
LLP
(415) 362-1215

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

File Number: 645271
Receipt Number: 2770968
Geographical Code: 3800
Copies Mailed Date: January 10, 2023
Issued Date:

DISTRICT SERVING LOCATION: SAN FRANCISCO
First Owner: **SAVE MART SUPERMARKETS LLC**
Name of Business: **LUCKY BAYVIEW**
Location of Business: **3801 3RD ST
SAN FRANCISCO, CA 94124-1409**
County: **SAN FRANCISCO**
Is Premises inside city limits? **Yes** Census Tract: **0612.00**
Mailing Address:(If different from premises address) **1800 STANDIFORD AVE
MODESTO, CA 95350-0180**
Type of license(s): **21** Dropping Partner: Yes No
Transferor's license/name: **473460 / BAQAIN, ELHAM A**

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	01/10/23	\$1,370.00
21 - Off-Sale General	ANNUAL FEE	NA	0	01/10/23	\$884.00
Total					\$2,254.00

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

STATE OF CALIFORNIA County of **SAN FRANCISCO** Date: **January 10, 2023**

Applicant Name(s)

SAVE MART SUPERMARKETS LLC

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2023 JAN 13 PM 2:29
BY 

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)

ABC 211 (6/99)

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

File Number: **641344**
 Receipt Number:
 Geographical Code: **3800**
 Copies Mailed Date: **September 12, 2022**
 Issued Date:

DISTRICT SERVING LOCATION: **SAN FRANCISCO** 5235/012
 First Owner: **SAVE MART SUPERMARKETS LLC** SE
 Name of Business: **LUCKY BAYVIEW** PDR-2
 Location of Business: **3801 3RD ST** 2022-009242MIS
SAN FRANCISCO, CA 94124-1409
 County: **SAN FRANCISCO**
 Is Premises inside city limits? **Yes** Census Tract: **0612.00**
 Mailing Address:(If different from premises address) **1800 STANDIFORD AVE**
MODESTO, CA 95350-0180
 Type of license(s): **20** Dropping Partner: Yes___ No___
 Transferor's license/name: **370526 / EL PALMAR ENTERPRISES INC**

<u>License Type</u>	<u>Transaction Type</u>	<u>Master</u>	<u>Secondary LT And Count</u>		
20 - Off-Sale Beer And Wine	PER/PRM	Y			

<u>License Type</u>	<u>Transaction Description</u>	<u>Fee Code</u>	<u>Dup</u>	<u>Date</u>	<u>Fee</u>
Application Fee	DBL TRF: PREMISES AND PERSON	NA	0	09/21/22	\$945.00
20 - Off-Sale Beer And Wine	ANNUAL FEE	NA	0	09/21/22	\$415.00
Total					\$1,360.00

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? **Yes**

STATE OF CALIFORNIA County of SAN FRANCISCO Date: September 21, 2022

Applicant Name(s)

SAVE MART SUPERMARKETS LLC

Recommend to approve the type 20 proposed at 3801 03rd Street - Approved as an accessory use to the roughly 10,000 square foot grocery store dba "Lucky's" with the following conditions: apply to General Grocery and Specialty Grocery stores that exceed 5,000 square feet in size and shall not:

- (1) sell any malt beverage with an alcohol content greater than 5.7 percent by volume; any wine with an alcohol content of greater than 15 percent by volume, except for "dinner wines" that have been aged two years or more and maintained in a corked bottle; or any distilled spirits in container sizes smaller than 600 milliliters;
- (2) devote more than 15 percent of the gross square footage of the establishment to the display and sale of alcoholic beverages; and
- (3) sell single servings of beer in container sizes 24 ounces or smaller.

F. Drape & Co

9/28/2022