

File No. 160914

Committee Item No. 2

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

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Public Safety and Neighborhood Services Date December 8, 2016

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

Cmte Board

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

OTHER (Use back side if additional space is needed)

- LL Referral - 08/11/2016
- Planning Department Response - 09/15/2016
- COMMITTEE REPORT REQUEST - 11/20/2016
- \_\_\_\_\_
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Completed by: Erica Major Date December 2, 2016

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



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 Jane Kim**  
**Supervisor John Avalos**  
**Supervisor David Campos**

**From:** Lieutenant Dave Falzon  
Officer in Charge  
ABC Liaison Unit (ALU) 415-837-7287

**Date:** November 30, 2016

**Subject:** P.C.N. Investigation Regarding: Whole Foods Market California Inc  
DBA: Whole Foods Market  
1150 Ocean Ave  
(415) 226-1400

Jackie Renteria on behalf of Whole Foods Market, has filed an application with the California Department of Alcoholic Beverage Control seeking a Type 21 (Off Sale General Package store) License for 1150 Ocean Ave (Located between Lee and Brighton Avenues).

Hours of Operation:

8:00 am to 10:00pm

Daily

**Digest:**

Whole Foods Market would like to sell beer, wine and distilled spirits. If approved, this license will allow Whole Foods Market to sell off sale beer, wine and distilled spirits

**Letters of Protest:**

0

**Letters of Support:**

0

**Police Calls for Service:**

From March 2015 to March 2016

**50 Calls for service**

**Police Reports:**

From March 2015 to March 2016: 19

**San Francisco Plot Information:**

This premise is located in Plot **847**

A High Crime area is defined as **99** or more police incidents in a plot for the year of **2015**.

This plot had **86** police incidents for **2015**, which is **13** under the **Citywide "High Crime"** average.

**State Census Tract Information:**

This premise is located in Census Tract **310.00**

Population for this tract is: 3,494

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

Active on-sale licenses: **8**

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

Active off-sale licenses: **5**

**Departmental Recommendation:**

Points of consideration: Three consideration points

**Taravel Station has no opposition .**

Applicant premise **is** located in a **“low 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:

1. Sales, Service, and consumption of alcoholic beverages shall be permitted only between the hours of 8:00 a.m to 10:00 p.m each day of the week.
2. Loitering (loitering is defined as “to stand idly about; linger aimlessly without lawful business”) is prohibited on any sidewalks or property adjacent to the licensed premises under the control of the licensee(s) as depicted on the ABC-257 form dated 4-5-12

It should be noted that the applicant has agreed with the above listed recommended conditions.

closed



# LIQUOR LICENSE REVIEW

TO: Planning Department  
AnMarie Rodgers/CTYPLN/SFGOV  
Georgia Powell/CTYPLN/SFGOV@SFGOV  
Fax No.: (415) 558-6409

File: 160914

TO: Police Department  
Inspector Nelly Gordon  
Phone: (415) 837-7273

Block/lot: 3180/006-009  
Zoning: NCT  
Quadr: SW  
Record # 2016-010452 MIS

DATE: August 11, 2016

This item is tentatively scheduled to be heard in four to six weeks.  
**PLEASE EMAIL YOUR RESPONSE BY:** October 12, 2016, to Erica Major,  
Public Safety and Neighborhood Services Committee Clerk.

**Erica.Major@sfgov.org - Fax No: 554-7771**

**Applicant Name:** Whole Foods Market California, Inc.  
**and Business Name:** Whole Foods Market  
(1150 Ocean Avenue)  
**Applicant Address:** 1150 Ocean Avenue  
San Francisco, CA 94112  
**and Phone No.** (415) 226-1400

**PLANNING COMMENTS:**  Approval  Denial  
Recommend approval of Type 21 ABC License. Formula Retail Grocery Store with off-site  
liquor license permitted per Case No. 2000.088FC via Motion No. 17885 subject to  
conditions of MSR No. 19066F2.

Venard Flores 08/25/16 415-515-9773

**POLICE COMMENTS:**  Approval  Denial

**strike  
&techel**  
ALCOHOLIC BEVERAGE LAW

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2016 AUG 11 PM 2:43

BY 

VIA U.S. Mail

August 8, 2016

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

RE: Request for Determination of Public Convenience or Necessity  
Whole Foods Market  
1150 Ocean Avenue, San Francisco, CA 94112

Dear Ms. Calvillo:

We represent Whole Foods Market ("Whole Foods") in connection with an application to the Department of Alcoholic Beverage Control ("ABC") for a Type 21 Off-Sale General license at their existing store located at 1150 Ocean Ave., San Francisco, CA 94112 ("Store"). Because the Store is located in a census tract that has an undue concentration of off-sale licenses in accordance with Section 23958.4 of the Business and Professions Code, we have been advised that a finding of public convenience or necessity is required. On behalf of Whole Foods, we respectfully request that the Board of Supervisors determine that issuance of this license will serve public convenience or necessity.

**Project Description**

The Store has been operating since 2012 without incident with a Type 20 Off-Sale Beer and Wine license and a Type 86 Instructional Tasting License (License No. 521207). They now seek to include a small selection of spirits to their product offerings and are applying for a Type 21 license. Upon issuance of the Type 21 license, they will surrender their existing Type 20. Whole Foods is purchasing the Type 21 license from Marty's Liquor Gourmet on 657 Sutter Street and transferring it to the Ocean Avenue store.

The only thing that will change at the Store is the addition of a small selection of spirits. Spirits will be displayed alongside non-refrigerated wine and staff will frequently peruse the aisles, addressing customer questions and ensuring a clean and welcoming display. The area will be under constant observation. The hours and operations of the Store will otherwise remain the same.

Whole Foods operates in 42 states, Canada, and throughout the U.K. For the last 18 consecutive years, they have been named one the "100 Best Companies to Work For" by Fortune magazine. They sell alcohol at a large portion of their stores and staff are well trained in local alcohol regulations. They are responsible and compliant alcohol licensees. They have not had any infractions or disciplinary actions at the Store, and take the responsibility very seriously not to serve minors or overly intoxicated individuals.

160914

## **Neighborhood Outreach**

Before filing this application, Whole Foods sought to gauge community support for the project. In doing so, we called the San Francisco Police Department and spoke with Lieutenant Dave Falzon. Since the SFPD weighs in on the issuance of off-sale general licenses, we wanted to confirm that adding spirits to Whole Foods' existing license would not cause concern. Lieutenant Falzon confirmed that he had no issue with the change and would not protest the application.

We also reached out to the Board of Supervisors to work on community outreach with local organizations whose members may be impacted by the sale of spirits at the Store. Since the Store is located in District 7, we contacted Supervisor Norman Yee's office. We were provided a list of community groups and neighborhood associations that are strongly engaged in the Ocean Avenue area. Whole Foods' store manager, Janene Summerland, who was already closely engaged with the local community, reached out to all of the community groups on the list to inform them of the pending application and to see if they had any questions or concerns.

Community Outreach included the following correspondence:

- Oceanview-Merced Heights-Ingleside Neighbors in Action (OMI-NIA) – Fully and enthusiastically supports Whole Foods' adding spirits to the Store and provided a letter of support (attached).
- Ocean Avenue Association – Fully and enthusiastically supports Whole Foods' adding spirits to the Store and provided a letter of support (attached).
- Sunnyside Neighborhood Association – We exchanged multiple emails with Amy O'Hair, Secretary of the organization. Amy presented our proposal at a community meeting and reported back that there were several enthusiastic supporters for Whole Foods adding spirits to the Store. The group does not object to the license.
- Ingleside Terraces Home Association – We emailed them multiple times (5/30 and 7/03) to explain that we applied to sell spirits, to offer to present at an upcoming meeting, and to inquire about any member questions or concerns. They did not express any opposition to the Store expanding its liquor license to include the sale of spirits.
- Westwood Park Neighborhood Association – We emailed them multiple times (5/30 and 7/03) to explain that we applied to sell spirits, to offer to present at an upcoming meeting, and to inquire about any member questions or concerns. They did not express any opposition to the Store expanding its liquor license to include the sale of spirits.
- West of Twin Peaks Central Council – We emailed them multiple times (5/30 and 7/03) to explain that we applied to sell spirits, to offer to present at an upcoming meeting, and to inquire about any member questions or concerns. They did not express any opposition to the Store expanding its liquor license to include the sale of spirits.
- Miraloma Park Improvement Club – We emailed them to explain that we applied to sell spirits, to offer to present at an upcoming meeting, and to inquire about any questions or concerns. The group said that they generally only allow presentations at meetings by merchants that are located within Miraloma Park (the Store is not). They expressed appreciation for the outreach and did not express any opposition to the Store expanding its liquor license to include the sale of spirits.

To date, we have not received a negative response from a single community group. In fact, many of the neighborhood groups have expressed great support for the addition of spirits to the Store.

**The Sale of Spirits at the Store will serve Public Convenience or Necessity**

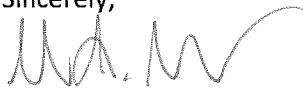
Customer requests are Whole Foods' strongest incentive in seeking to add spirits to the Store. Since 2012, the Store has operated with a Type 20, off-sale beer and wine license. Customers frequently inquire about spirits, and while the sale of beer and wine only account for a small portion of the Store's overall sales, customers appreciate the convenience of one-stop shopping that includes a quality selection of craft beer and local and international wines that are not available at neighborhood grocery stores. Adding a small, but well curated, selection of quality spirits will add to the overall customer experience. In addition, several other Whole Foods' locations in California and in other states sell spirits; it is a product that Whole Foods' customers have come to expect to be able to purchase.

Public convenience or necessity will be served because there are no other grocery stores in the near vicinity with an emphasis on high-quality natural and organic products that also sell a similar selection of craft beer, wine, and spirits. The Store is located along the busy Ocean Avenue corridor and has underground parking. This makes it an attractive and convenient stop for local residents, workers, and commuters. The Store is open daily from 8 am to 10 pm, no alcohol sales would be permitted past 10 pm. The early hours, coupled with the high-end selection of craft spirits, are not likely to lead to any increase in crime, loitering, or vagrancy.

Approving this request will not only serve the public convenience or necessity of the nearby residents, but of the entire city as well. Whole Foods has established itself as a destination market, people are willing to travel from neighboring communities to shop for high quality and organic products. The Ocean Avenue location in particular, with its close proximity to the I-280 and ample parking, serves residents from all over the city. Adding spirits to their wide variety of selections will benefit San Franciscans from all neighborhoods that are looking for a high-quality, one-stop shopping experience.

For these reasons we respectfully request that the Board of Supervisors make a finding that issuance of a Type 21 Off-Sale General license at this location will serve public convenience or necessity. If you have any questions about this application or Whole Foods' planned operations, please contact me at [melani@strikeandtechel.com](mailto:melani@strikeandtechel.com) or on my direct line at (415) 229-7892.

Sincerely,



Melani Johns

Alcoholic Beverage Attorney



OMI Neighbors In Action...a community organization of neighbors helping neighbors

Supervisor Norman Yee  
San Francisco City Hall  
1 Dr. Carleton B Goodlett Way  
San Francisco, CA 94102

July 12, 2016

Dear Supervisor Yee,

Whole Foods Ocean has applied for an expanded license to sell spirits and has asked OMI-Neighbors in Action for concerns or support.

At the request of store manager Janene Summerland, we discussed this as an organization as well as presented it to the community in attendance at our meeting on 6/29/16. OMI-NIA supports this application and supports the expansions in spirits selection that Whole Foods is bringing to the neighborhood.

Whole Foods Ocean has been a good community partner and has participated with the Ingleside neighborhood in a variety of manners and styles since they opened. It is our recommendation that the City support the license request.

Please let me know if you have any further questions.

Sincerely,

Mary C Harris, President

415-239-2119

OMI-NIA: 65 Beverly Street, SF, CA 94132

Supervisor Norman Yee  
San Francisco City Hall  
1 Dr. Carleton B Goodlett Way  
San Francisco, CA 94102

Dear Supervisor Yee,

Whole Foods Ocean has applied for a license to sell spirits and has asked the Ocean Avenue Association for support. OAA does support this application. Whole Foods Ocean has been a good community partner and has participated in a variety of Ocean Avenue events since they opened.

Currently, their Ocean Avenue store manager, Janene Sumerland, helped to get our small business support committee off the ground by serving as chair. Janene also serves currently on OAA's board.

Whole Foods has decided to provide the community with local handcrafted spirits options.

Please let me know if you have any further questions about OAA's support for Whole Foods Ocean application for a spirits license.

Sincerely, Daniel Weaver, Executive Director  
Ocean Avenue Association

CO B, Leg Rep  
PSNS, Bos -  
Leg  
RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2016 NOV 30 PM 3:49

BY \_\_\_\_\_ AK

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DATE: November 29, 2016

TO: Angela Calvillo  
Clerk of the Board of Supervisors

FROM: Supervisor Jane Kim  
Chairperson

RE: Public Safety and Neighborhood Services Committee  
COMMITTEE REPORTS

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Pursuant to Board Rule 4.20, as Chair of the Public Safety and Neighborhood Services Committee, I have deemed the following matters are of an urgent nature and request they be considered by the full Board on December 13, 2016, as Committee Reports:

**160818          Liquor License Transfer - 1909 Union Street, Suite A**

**Hearing to consider that the transfer of a Type 21 off-sale general alcoholic beverage control license to The Epicurean Trader, LLC, dba The Epicurean Trader, located at 1909 Union Street, Suite A (District 2), will serve the public convenience or necessity of the City and County of San Francisco.**

**160914          Liquor License Transfer - 1150 Ocean Avenue**

**Hearing to consider that the transfer of a Type 21 off-sale general alcoholic beverage control license to Whole Foods Market California, Inc., dba Whole Foods Market, located on 1150 Ocean Avenue (District 7), will serve the public convenience or necessity of the City and County of San Francisco.**

**160959          Liquor License - 110 The Embarcadero**

**Hearing to consider that the issuance of a Type 51 Club license to The Commonwealth Club of California, dba Commonwealth Club, located at 110 The Embarcadero (District 6), will serve the public convenience or necessity of the City and County of San Francisco.**

These matters will be heard at the Regular Meeting of the Public Safety and Neighborhood Services Committee on December 8, 2016, at 2:30 p.m.



## LIQUOR LICENSE REVIEW

**TO:** Planning Department **File:** 160914  
AnMarie Rodgers/CTYPLN/SFGOV  
Georgia Powell/CTYPLN/SFGOV@SFGOV  
Fax No.: (415) 558-6409

**TO:** Police Department  
Inspector Nelly Gordon  
Phone: (415) 837-7273

**DATE:** August 11, 2016

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This item is tentatively scheduled to be heard in four to six weeks.  
**PLEASE EMAIL YOUR RESPONSE BY:** October 12, 2016, to Erica Major,  
Public Safety and Neighborhood Services Committee Clerk.  
**Erica.Major@sfgov.org - Fax No: 554-7771**

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Whole Foods Market  
**and Business Name:** (1150 Ocean Avenue)  
**Applicant Address:** 1150 Ocean Avenue  
San Francisco, CA 94112  
**and Phone No.** (415) 226-1400

**PLANNING COMMENTS:**  Approval  Denial

**POLICE COMMENTS:**  Approval  Denial