

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 544-5227

December 14, 2016

Justin Gebb  
California Department of Alcoholic Beverage Control  
33 New Montgomery St., Suite 1230  
San Francisco, CA 94105


Dear Mr. Gebb:

The following is a determination from the San Francisco Board of Supervisors on the Public Convenience or Necessity application. The Board of Supervisors Public Safety and Neighborhood Services Committee conducted a public hearing on November 10, 2016, and a Resolution was considered by the Board of Supervisors for approval on November 29, 2016; in Resolution No. 485-16.

The Department of Alcohol Beverage Control is receiving this correspondence in accordance with California Business and Professions Code, Section 23958.4, recommending the California Department of Alcoholic Beverage and Control approve and impose conditions on the issuance of the license.

If you have any questions, please contact me at (415) 554-5184 or Erica Major at (415) 554-4441 or at [Erica.Major@sfgov.org](mailto:Erica.Major@sfgov.org).

Sincerely,

  
Angela Calvillo  
Clerk of the Board

c:  
Members, Board of Supervisors  
Alisa Somera, Office of the Clerk of the Board  
Dave Falzon, Police Department  
Nelly Gordon, Police Department  
Joan Bernardino, Department of Alcoholic Beverage Control  
Peter Impala, Art Rodriguez & Associates

PREPARED IN COMMITTEE  
11/10/2016

FILE NO. 160681

RESOLUTION NO. 485-16

1 [Liquor License Transfer - 10-4th Street]

2  
3 **Resolution determining that the transfer of a Type 21 off-sale general license to**  
4 **Trader Joe's Company, dba Trader Joe's 225, located at 10-4<sup>th</sup> Street, Basement**  
5 **LVL (District 6), will serve the public convenience or necessity of the City and**  
6 **County of San Francisco, in accordance with California Business and**  
7 **Professions Code, Section 23958.4, and recommending that the California**  
8 **Department of Alcoholic Beverage Control impose conditions on the issuance of**  
9 **the license.**

10  
11 WHEREAS, Trader Joe's Company is seeking the transfer of a Type 21 off-sale  
12 general license dba Trader Joe's 225 located at 10-4<sup>th</sup> Street, Basement LVL (District  
13 6); 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 two (2) 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) No more than 5% of the square footage of the retail space of the premises  
22 will be used for the display of alcoholic beverages; 2) the sale of distilled spirits in sizes  
23 smaller than 200 ml is strictly prohibited; 3) no beer or malt beverages shall be sold in  
24 quantities of less than manufacturer pre-packaged six packs per sale with the exception  
25 of wine-coolers, beer coolers which must be sold in manufacturer pre-package multi-unit

1 quantities of four (4) or more; 4) no wine shall be sold with an alcoholic content of  
2 greater than 15% by volume except for "Dinner Wines" which have been aged two years  
3 or more and maintained in corked bottles; 5) wine shall not be sold in bottles or  
4 containers smaller than 750 ml; 6) loitering (defined as "to stand idly about; linger  
5 aimlessly without lawful business") is prohibited on any sidewalks or property adjacent  
6 to the licensed premises under the control of the licensee as depicted on the ABC-257;  
7 and 7) sales and service of alcoholic beverages shall be permitted between the hours of  
8 8:00 a.m. to 10:00 p.m. daily; now, therefore, be it

9           RESOLVED, That in accordance with California Business and Professions Code,  
10 Section 23958.4, the Board of Supervisors of the City and County of San Francisco  
11 hereby determines for the foregoing reasons that the transfer of a Type 21 off-sale  
12 general license to Trader Joe's Company dba Trader Joe's 225 located at 10-4th Street,  
13 Basement LVL (District 6), will serve the public convenience or necessity of the City and  
14 County of San Francisco; and, be it

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



City and County of San Francisco

Tails

Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 160681

Date Passed: November 29, 2016

Resolution determining that the transfer of a Type 21 off-sale general license to Trader Joe's Company, dba Trader Joe's 225, located at 10-4th Street, Basement LVL (District 6), 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.

November 10, 2016 Public Safety and Neighborhood Services Committee - PREPARED IN COMMITTEE AS A RESOLUTION

November 10, 2016 Public Safety and Neighborhood Services Committee - RECOMMENDED

November 29, 2016 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 160681

I hereby certify that the foregoing Resolution was ADOPTED on 11/29/2016 by the Board of Supervisors of the City and County of San Francisco.

Handwritten signature of Angela Calvillo
Angela Calvillo
Clerk of the Board

Handwritten signature of Ed Lee
Mayor

12/9/16
Date Approved



City and County of San Francisco  
Certified Copy  
Resolution

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

160681 [ Liquor License Transfer - 10-4th Street ]

Resolution determining that the transfer of a Type 21 off-sale general license to Trader Joe's Company, dba Trader Joe's 225, located at 10-4th Street, Basement LVL (District 6), 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. (Public Safety and Neighborhood Services Committee)

11/29/2016 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

12/9/2016 Mayor - APPROVED

STATE OF CALIFORNIA  
CITY AND COUNTY OF SAN FRANCISCO

CLERK'S CERTIFICATE

I do hereby certify that the foregoing Resolution is a full, true, and correct copy of the original thereof on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City and County of San Francisco.

December 13, 2016  
Date

  
\_\_\_\_\_  
Angela Calvillo  
Clerk of the Board