

**LIQUOR LICENSE REVIEW**

**RECEIVED**

AUG 17 2017



CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
NEIGHBORHOOD PLANNING

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

**File:** 170915

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

Block/lot: 0266/008

Zoning: C-3-0

Quadr: NE

**DATE:** August 17, 2017

Record # 2017-010598 MIS

Please submit your response in four to six weeks for the matter to be heard.  
**PLEASE EMAIL YOUR RESPONSE BY:** September 28, 2017, to John Carroll,  
Public Safety and Neighborhood Services Committee Clerk.

**john.carroll@sfgov.org - Fax No: 554-5163**

**Applicant Name:** Jennifer Bernardo  
**Business Name:** 7-Eleven

**Application Address:** 195 Pine Street  
San Francisco, CA 94111

**and contact info:** Contact: Ryan M. Kroll  
Solomon, Saltsman & Jamieson  
426 Culver Blvd.  
Playa del Rey, CA 90293  
(310) 822-9848

**PLANNING COMMENTS:**  Approval  Denial

Recommended Approval: ABC type 20 license is permitted with Retail Sale & Service use in the C-3-0 Zoning District per PC Section 210.2.

**POLICE COMMENTS:**  Approval  Denial



**SOLOMON SALTSMAN & JAMIESON**  
A Partnership of Professional Corporations  
426 Culver Boulevard | Playa Del Rey, CA 90293  
Telephone: 310.822.9848 | Facsimile: 310.822.3512  
Toll Free: 800.405.4222  
www.ssjlw.com

**Ryan M. Kroll**  
Partner  
email: rkroll@ssjlw.com

August 14, 2017

Via Fed Ex Overnight Mail

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

RE: 7-Eleven Store, 195 Pine Street, San Francisco, CA  
ABC File No. 20-577135

Ms. Calvillo

Please find enclosed Ms. Bernardo's and 7-Eleven, Inc.'s letter requesting a determination of public convenience or necessity from the Board of Supervisors concerning their application for a Type-20 ABC license for their convenience store located at 195 Pine St. Please direct all communication concerning this matter to me, and feel free to contact me with any questions or concerns.

Thank you for your attention to this matter.

Very truly yours,

SOLOMON SALTSMAN & JAMIESON

  
RYAN M. KROLL

Licensed in California, Oregon, and Washington

Encls.

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2017 AUG 16 AM 10:32



July 17, 2017

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

Re: 7-Eleven Store, 195 Pine Street, #20-577135

Dear Ms. Calvillo,

This letter is to request a letter of public convenience or necessity from the Board of Supervisors for the currently existing 7-Eleven site located at 195 Pine Street. I am the franchisee for this location and have operated this location for over three years.

Just recently, 7-Eleven and I applied to the Department of Alcoholic Beverage Control to transfer a Type-20 license from the CVS Pharmacy located at 1760 Ocean Avenue to my store. This application was made after hearing numerous requests from customers asking why they could not purchase beer and wine at my location and complaining about the inconvenience of not being able to do so.

As our business is to serve the convenience of our customers, 7-Eleven seeks to now sell beer and wine daily between the hours of 7:00 a.m. and midnight, per the Conditions 7-Eleven has agreed to as part of its application for an ABC License. The Conditions, which are attached as Exhibit 1, were created after discussions with the San Francisco Police Department. While the sale of alcoholic beverage will be limited as discussed above, the location itself will remain open 24 hours a day, seven days a week.

The issuance of an ABC license to my store will serve the public convenience or necessity of the immediate neighborhood and citywide because it will allow the community to have one-stop shopping for all of their grocery needs. Currently, we sell a full array of grocery products including, but not limited to, milk, cheese, toilet paper, toothpaste, diapers, chips, bread, feminine hygiene products, newspapers, household cleaning products, baked goods, and many other sundries. We receive fresh food deliveries daily and are able to offer our customers prepared foods, fresh fruit, and a coffee bar. With the ability to sell a small amount of beer and wine to complement these grocery items, we can then allow customers to grab all of their grocery needs at one location, which will serve the public convenience.

Such one-stop shopping will be vital to help sustain the rapid influx of people into our local community. There is now an ongoing increase in construction of housing as well as additional commercial buildings and office space within the immediate area. This will attract more people to live and work in the surrounding blocks of this 7-Eleven, and demand that more stores carry a modest amount of beer and wine to serve the public convenience. As agreed to in the attached Conditions, we will use no more than 5% of our floor space to sell beer and wine. Therefore, we will provide an alternative to those in the community that do not wish to buy a bottle of wine at a liquor store.

Because of the site's locale near a transportation hub and also the heavy pedestrian traffic that passes by, we will be able to serve the convenience needs not only of residents of the immediate areas but those of the entire San Francisco community. Additionally, this location is near the convention center and the hotels that house the out-of-town convention goers. Ensuring that the convenience needs of these visitors are met is a benefit to San Francisco as a whole.

Prior to submitting this request for a letter of public convenience or necessity, 7-Eleven has discussed its intentions with the Police Department. In recognition of 7-Eleven's commitment to responsible retailing of alcohol and due to the benefits to the community in having this ABC license at this location, the Police Department has no objection to the application for a Type-20 license after 7-Eleven has agreed to the conditions proposed by the Police.

Additionally, as a demonstration of the public's support for our efforts to be able to sell a small amount of beer and wine, attached are numerous signatures from local residents indicating their support for this application. From these signatures, it is clear that the community is in support of 7-Eleven's application. Accordingly, it is respectfully requested that the City issue a letter of public convenience or necessity.

If any questions or wish to have any further information, please contact our counsel, Ryan Kroll, at 310-822-9848 and rkroll@ssjlaw.com. Please direct all mail to the following address:

Ryan M. Kroll  
Solomon, Saltsman & Jamieson  
426 Culver Blvd.  
Playa del Rey, CA 90293

Thank you for your attention to this matter.

Very truly yours,



Jennifer Bernardo  
Franchise Owner

# **Exhibit 1**

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**BEFORE THE  
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
OF THE STATE OF CALIFORNIA**

IN THE MATTER OF THE APPLICATION OF

7 ELEVEN INC, JACKSAW INC  
7 ELEVEN STORE  
195 PINE ST  
SAN FRANCISCO, CA 94111-5527

} FILE 20-577135

} REG.

} PETITION FOR CONDITIONAL  
} LICENSE

For Issuance of an Off-Sale Beer And Wine - License

Under the Alcoholic Beverage Control Act

WHEREAS, petitioner(s) has/have filed an application for the issuance of the above-referred-to license(s) for the above-mentioned premises; and,

WHEREAS, pursuant to Section 23958 of the Business and Professions Code, the Department may deny an application for a license where issuance would result in or add to an undue concentration of licenses; and,

WHEREAS, the proposed premises are located in Census Tract 0117.00 where there presently exists an undue concentration of licenses as defined by Section 23958.4 of the Business and Professions Code; and,

WHEREAS, the proposed premises are located in a crime reporting district that has a 20% greater number of reported crimes, as defined in subdivision (c) of Section 23958.4, than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency; and,

WHEREAS, the petitioner(s) stipulate(s) that by reason of the aforementioned high crime and over concentration of licenses, grounds exist for denial of the applied-for license; and,

WHEREAS, the issuance of an unrestricted license would be contrary to public welfare and morals;

NOW, THEREFORE, the undersigned petitioner(s) do/does hereby petition for a conditional license as follows, to-wit:

- 1 Sales of alcoholic beverages shall be permitted only 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 premises will be used for the display of alcoholic beverages.

Initials

ABC-L72 (5/94)

- 3 Sales of beer or malt beverages in quantities of 40 oz, or similar size containers is prohibited.
- 4 No prepackaged beer or malt beverages shall be sold as single a single unit.
- 5 Wine shall not be sold in bottled or containers smaller than 750 ml.
- 6 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 as depicted on the ABC 257 dated 12-1-16.
- 7 The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.

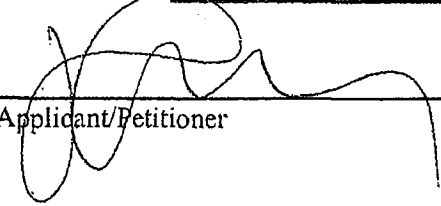


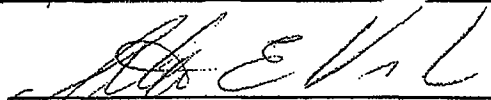
This petition for conditional license is made pursuant to the provisions of Sections 23800 through 23805 of the Business and Professions Code and will be carried forward in any transfer at the applicant-premises.

Petitioner(s) agree(s) to retain a copy of this petition on the premises at all times and will be prepared to produce it immediately upon the request of any peace officer.

The petitioner(s) understand(s) that any violation of the foregoing condition(s) shall be grounds for the suspension or revocation of the license(s).

DATED THIS 17 DAY OF July, 2017.

  
\_\_\_\_\_  
Applicant/Petitioner

  
\_\_\_\_\_  
Applicant/Petitioner

# **Exhibit 2**

Re: 7-Eleven - 195 Pine Street, San Francisco, CA

To the City and County of San Francisco's Board of Supervisors and the Department of Alcoholic Beverage Control:

I understand that the 7-Eleven market located at 195 Pine Street is requesting permission to sell beer and wine. I support this request because I think the sale of beer and wine at this business will serve the public convenience of our community. It will help reduce the number of trips that I and others will need to make in order to buy all of our groceries needs at one location.

I am aware that the market has agreed to the conditions suggested by the San Francisco Police Department and the California Department of Alcoholic Beverage Control in order to minimize any potential negative impacts. Some of these conditions include: sales only between 7:00 a.m. and midnight; no malt beverages having alcohol in excess of 5.7% by volume; no sales of beer or malt beverages in quantities of 16 oz., 20 oz., 32 oz., 40 oz., or similar sizes, except Craft Beers; and no wine sold in bottles less than 750 mL. Please know that I enjoy shopping at this market, and appreciate their efforts to work with our community.

I therefore strongly urge all governmental agencies to grant the necessary approvals in this matter and for the Board of Supervisors to determine that the sale of beer and wine at this location does serve the public convenience or necessity, so that the market can become a one-stop location for the community's grocery needs.

Date: 03/26/17 Signature: [Signature] Printed Name: Jose Ramirez  
Address (street, city): 466 2nd St Phone number: (415) 374-5391

Date: 2/7/2017 Signature: [Signature] Printed Name: Damian Garcia  
Address (street, city): SAWYERS ST Phone number: 334-5582

Date: 3/28/17 Signature: [Signature] Printed Name: George Shivers  
Address (street, city): \_\_\_\_\_ Phone number: \_\_\_\_\_

Date: 3/28/17 Signature: [Signature] Printed Name: Miguel Lopez  
Address (street, city): 1871 BARRE ST OAKLAND Phone number: (925) 260-8160

Date: 3/28/17 Signature: [Signature] Printed Name: Shane Chilcoat  
Address (street, city): 1824 SHALSID CT Phone number: (661) 865-7113

Date: 3/28/17 Signature: [Signature] Printed Name: Derrick Brown Jr  
Address (street, city): 9612 E Street Phone number: (510) 302-8462

Date: \_\_\_\_\_ Signature: \_\_\_\_\_ Printed Name: \_\_\_\_\_  
Address (street, city): \_\_\_\_\_ Phone number: \_\_\_\_\_

Re: 7-Eleven - 195 Pine Street, San Francisco, CA

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Date: 3/27/16 Signature: [Signature] Printed Name: August Federico  
Address (street, city): One Embarcadero Chr Ste 2700 Phone number: (415) 2055708

Date: 03/22/17 Signature: [Signature] Printed Name: Hassan Deen  
Address (street, city): 1045 Laguna St Phone number: 415-582-3156

Date: 03/29/17 Signature: [Signature] Printed Name: Brandon Miller  
Address (street, city): \_\_\_\_\_ Phone number: \_\_\_\_\_

Date: 3/27/17 Signature: [Signature] Printed Name: ~~Patricia~~ Darlene Sanchez  
Address (street, city): \_\_\_\_\_ Phone number: \_\_\_\_\_

Date: 3-27-17 Signature: K.A. Printed Name: Kevin  
Address (street, city): 5815 E-17 Oakland Phone number: \_\_\_\_\_

Date: 3-27-17 Signature: [Signature] Printed Name: -Dora  
Address (street, city): 50 Beale St SF Phone number: 415-353-6000

Date: 3/27/17 Signature: [Signature] Printed Name: W08-FB 8713  
Address (street, city): 88 KING Phone number: \_\_\_\_\_

**Re: 7-Eleven - 195 Pine Street, San Francisco, CA**

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Date: 3-27-17 Signature: [Signature] Printed Name: Jordan Padilla  
Address (street, city): 3179 meadowbrook dr. Phone number: 925-300-6083

Date: 3-27-17 Signature: [Signature] Printed Name: Zachary Gletta  
Address (street, city): 441 1st St Phone number: 650-202-5525

Date: 3-27-17 Signature: [Signature] Printed Name: Edward Navarro  
Address (street, city): 1657 Ashland Ave Oakland Phone number: 925-259-172

Date: 3-27-17 Signature: [Signature] Printed Name: Nelson August  
Address (street, city): 750 Broadway West Oakland Phone number: [Blank]

Date: 3-27-17 Signature: [Signature] Printed Name: Salomon R.  
Address (street, city): 299 willits st Daly city Phone number: [Blank]

Date: 3-27-17 Signature: [Signature] Printed Name: MICHAEL Colwart  
Address (street, city): Gewah, Devinsky Phone number: 638-4152

Date: 3/27/17 Signature: [Signature] Printed Name: 510/698-6052  
Address (street, city): OAKLAND 200 CLINTON Phone number: [Blank]