

1 [Liquor License - 57 New Montgomery Street]

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3 **Resolution determining that the issuance of a Type 21 off-sale general license to**
4 **Mokles S. Hanna for F.M. Smokes and Wines, Inc., located at 57 New Montgomery**
5 **Street (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.**

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11 WHEREAS, Mokles S. Hanna is seeking the issuance of a Type 21 off-sale
12 general license for F.M. Smokes and Wines, located at 57 New Montgomery Street;
13 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 no protests with the Department of
17 Alcoholic Beverage Control under California Business and Professions Code, Section
18 24013; and recommends that the Department of Alcoholic Beverage Control issue the
19 liquor license with conditions; and

20 WHEREAS, The conditions recommended by the Police Department are the
21 following: 1) Sales, service and consumption of alcoholic beverages shall be permitted
22 only between the hours of 8:00 AM and 12:00 AM (midnight) each day of the week;
23 2) No distilled spirits shall be sold in bottles or containers smaller than 375 milliliters;
24 3) No wine shall be sold with an alcoholic content greater than 15% by volume; 4) No
25 malt beverage shall be sold with the alcohol content greater than 5.7% by volume;

1 5) No noise shall be audible beyond the area under control of the licensee; 6) Loitering
2 (defined as “to stand idly about; linger aimlessly without lawful business”) is prohibited
3 on any sidewalks or property adjacent to the licensed premises under the control of the
4 licensee(s) as depicted on the ABC-257, dated October 19, 2012; 7) There shall be no
5 cups, glasses, or similar receptacles commonly used for the drinking of beverages, sold,
6 furnished, or given away at the petitioner’s premises in quantities of less than twenty-
7 four (24) in their original multi-container package; 8) All ice shall be sold at or above
8 prevailing prices in the area and in quantities of not less than three (3) pounds per sale
9 and shall not be given away free; 9) No person under the age of 21 shall sell or deliver
10 alcoholic beverages; now, therefore, be it

11 RESOLVED, That in accordance with California Business and Professions Code,
12 Section 23958.4, the Board of Supervisors of the City and County of San Francisco
13 hereby determines that the issuance of a Type 21 off-sale general license to Mokles S.
14 Hanna for F.M. Smokes and Wines, located at 57 New Montgomery Street, will serve
15 the public convenience or necessity of the City and County of San Francisco; and, be it

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

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