File No. <u>151112</u>

_Committee Item No. ____1 Board Item No. ____*.2.6*____

COMMITTEE/BOARD OF SUPERVISORS

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Committe	ee: Public Safety and Neighborhood Services Date April 28, 2016						
Board of Supervisors Meeting Date MHY 10,706							
Cmte Board							
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XX	PCN Application Letter - 10/22/2015						
	Liquor License Referral - 10/30/2015						
	Planning Department Response - 11/12/2015						
	Planning Department Response - 12/21/2015						
	Police Report Response - 04/22/2016						
	UPDATED CONDITIONS POLICE DEPT - 04 28 7016						
	·						
Completed by: Erica Major Date April 22, 2016 Completed by: , MA Date 527006							

PREPARED IN COMMITTEE 04/28/2016

FILE NO. 151112

RESOLUTION NO.

[Liquor License - 36 West Portal]

Resolution determining that the issuance of a Type 21 off-sale general license to Issa Haddad for West Portal Daily Xpress located at 36 West Portal Street (District 7), 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.

WHEREAS, Issa Haddad is seeking the issuance of a Type 21 off-sale general license for West Portal Daily Xpress located at 36 West Portal Street (District 7); and

WHEREAS, The Planning Department has verified that the area is properly zoned and recommends approval; and

WHEREAS, The Police Department has filed zero (0) protests with the Department of Alcoholic Beverage Control under California Business and Professions Code, Section 24013, and recommends that the Department of Alcoholic Beverage Control issue the liquor license with conditions; and

WHEREAS, The conditions recommended by the Police Department are the following: 1) sales of alcoholic beverages shall be permitted between the hours of 8:00 a.m. and 11:00 p.m. each day of the week; 2) no pre-package beer or malt beverages shall not be sold as a single unit; 3) no wine shall be sold with an alcoholic content of greater than 15% by volume except for "dinner wines" which have been aged two years or more maintained in corded bottles; 4) no distilled spirits shall be sold in bottles or containers smaller than 600 ml; 5) beer, malt beverages, and wine coolers in containers of 16 oz. or less cannot be sold by single containers, but must be sold in manufacturer

Public Safety and Neighborhood Services Committee BOARD OF SUPERVISORS

pre-packaged multi-unit quantities; and 6) the sale, service, and consumption of powdered alcohol or like non-liquid alcoholic beverage based product is prohibited; now, therefore, be it

RESOLVED, That in accordance with California Business and Professions Code, Section 23958.4, the Board of Supervisors of the City and County of San Francisco hereby determines for the foregoing reasons that the issuance of a Type 21 off-sale general license to Issa Haddad for West Portal Daily Xpress located at 36 West Portal Street (District 7), will serve the public convenience or necessity of the City and County of San Francisco; and, be it

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

Public Safety and Neighborhood Services Committee BOARD OF SUPERVISORS

151112 (UNDATED CUNDININS, SUBMITTED + PRESERED

File #: 21-562813 First Owner: Name of Business: Location of Business:

Haddad, Issa West Portal Daily Xpress 36 West Portal Ave. San Francisco, CA 94127-1304

Conditions for Type 21 Off -Sale General

- 1. Sales of alcoholic beverages shall be permitted between the hours of 8:00 am to 11:00 pm each day of the week.
- 2. No pre-package beer or malt beverages shall not be sold as single unit
- 3. No wine shall be sold with an alcoholic content of great than 15% by volume except for "Dinner Wines" which have been aged two years or more and maintained in corded bottles.
- 4. No distilled spirits shall be sold in bottles or containers smaller than 600ml.
- 5. Beer, malt beverages, and wine coolers in containers of 16 oz or less cannot be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.
- 6. No person under the age of 21 shall sell or deliver alcoholic beverages. > VENISOD OUT 4/28/2016
- 7. The sale, service and consumption of powdered alcohol or like non-liquid alcoholic beverage based product is prohibited

Sgt. Gigi George#9921 SFPD, ABC Liaison Unit (ALU)



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) 415-837-7576

Date: April 18, 2016

Subject:

P.C.N. Investigation Regarding:

Haddad, Issa S DBA: West Portal Daily Xpress 36 W. Portal Ave., SF, 94127-1304 Issa Haddad

Mr. Issa S. Haddad on behalf of West Portal Daily Xpress has filed an application with the California Department of Alcoholic Beverage Control seeking a -Type 21 (Off- Sale General) License for 36 W. Portal Ave. (located between Vincente Street and Ulloa Street).

Hours of Operation;

8:00 am - 11:00 pm Daily

Digest:

West Portal Daily Xpress is seeking to add an Alcohol Beverage License to its existing convenient store in the West Portal area of San Francisco. West Portal Daily Xpress has been in business at it's current location for four (4) years. If approved, this license will allow West Portal Daily Xpress to sell Off-Sale Beer, Wine and Distilled Spirits.

Letters of Protest:

No Record

Letters of Support:

No Record

Police Calls for Service:

From October 2014 to October 2015

0 calls for service

Police Reports:

From October 2014 to October 2015

0 police reports

San Francisco Plot Information:

This premise is located in Plot 980

A High Crime area is defined as 98 or more police reports in a plot for the year of 2014.

This plot had 71 police reports for 2014, which is 21 under the Citywide "High Crime" average.

State Census Tract Information:

This premise is located in Census Tract: 308.00 Population for this tract is: 5,667

On-sale license authorized by census tract: 19 Active on-sale licenses: 48 with 0 pending

Off-sale licenses authorized by census tract: 5 Active off-sale licenses: 9 with 0 pending

Departmental Recommendation:

Points of consideration: 3

No opposition from Taraval Station

Applicant premise is not located in a "High 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

Conditions for Type 21 Off-Sale General

- 1. Sales of alcoholic beverages shall be permitted between the hours of 8:00 am to 11:00 pm each day of the week.
- 2. No person under the age of 21 shall sell or deliver alcoholic beverages. .
- 3. No pre-package beer or malt beverages shall not be sold as single unit
- 4. No wine shall be sold with an alcoholic content of great than 15% by volume except for "Dinner Wines" which have been aged two years or more and maintained in corded bottles.
- 5. No distilled spirits shall be sold in bottles or containers smaller than 600ml.

- 6. Beer, malt beverages, and wine coolers in containers of 16 oz or less cannot be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.
- 7. The sale, service and consumption of powdered alcohol or like non-liquid alcoholic beverage based product is prohibited

End



36 W Portal Ave - Google Maps

Google Maps 36 W Portal Ave

ועלטובע זכו



image capture: Aug 2015 @ 2015 Google

Sah Francisco, California Street View - Aug 2015

https://www.google.com/maps/place/36+W+Portal+Ave,+Sant+Francisco,+CA+94127/@37.7404252,-122.4663069;3a,39.9y,308.6h,84.2t/data=13m711e113m511sdxabXfrFz9HyJM8L19101A12e016s%2F%2Fgeo2.ggp... 1/1

LIQUOR LICENSE REVIEW

TO:

Planning Department AnMarie Rodgers/CTYPLN/SFGOV Georgia Powell/CTYPLN/SFGOV@SFGOV Fax No.: 558-6409 File: 151112

1/ volt

2015-014491MIS

TO: Police Department Lieutenant David Falzon Phone: 575-6097

97

DATE: October 30, 2015

This item is tentatively scheduled to be heard in four to six weeks. PLEASE EMAIL YOUR RESPONSE BY: November 23, 2015, to Erica Major, Public Safety and Neighborhood Services Committee Clerk. <u>Erica.Major@sfgov.org</u> - Fax No: 554-7771

(415) 410-5268

Applicant Name:Issa Haddadand Business Name:West Portal Daily Xpress
(36 West Portal Avenue)Applicant Address:36 West Portal Avenue
San Francisco, CA 94127

and Phone No.

PLANNING COMMENTS: Approval Denial to PC SEC 703.2 approve accession beer, mine, distilled spints to ar Given, Bross floor wead advated to sal ath SOINTS POI E COMMENTS: Dehial Approva

LL Review Referral Letter

August 28, 2015

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

Re: PCN Request for Acquisition of a Type 21 Off-Sale Beer-Wine and Distilled Spirits Liquor License.

Mr. Issa Haddad - dba: West Portal Daily Xpress' - 36 West Portal Street, San Francisco, CA.

Dear Honorable Board of Supervisors,

The 'West Portal Daily Xpress' is currently a 'Magazine and Newspaper' clearinghouse of sorts. However, the good folks of the West Portal community have been asking that we reduce the percentage of store space dedicated to reading material, and create instead a neighborhood serving market. An overwhelming number of community members have asked that we afford them a convenient and necessary "One-Stop-Shop"; with grocery and household items, local Craft Beers and Wines, and a fine selection of Distilled Spirits to accommodate their needs as relates to at-home cocktail parties, and holiday get-togethers with friends and relatives.

And in addition to completely changing our business plan, we would also ponder and brainstorm on a branding name change that will better suit our new business plan.

Please do not hesitate in contacting us if you should have questions or concerns.

Sincerely Issa Haddad, Owner 415. 410.5268 haddadissa10@yahoo.com Jim Saxton, Liquor Licenses of San Francisco Bay Area 925. 689.6766 sfliquorlicenses@qmail.com David J. Villa-Lobos, CLA Consulting 415. 921.4192 admin@communityleadershipalliance.net





SAN FRANCISCO PLANNING DEPARTMENT

NOTICE OF PLANNING DEPARTMENT REQUIREMENTS

1650 Mission St. Suite 400 San Francisco, CA 94103-2479

November 12, 2015

Issa Haddad, West Portal Daily Express 36 West Portal Avenue Via: haddadissa10@yahoo.com Reception: 415.558.6378

Fax: 415.558.6409

Planning Information: 415.558.6377

RE: ABC and PCN Referral for ABC Type 21 – Off-sale beer, wine and distilled spirits Subject Property: "West Portal Daily Express" 36 West Portal Avenue, San Francisco, CA 94127 Block/Lot: 2931/004A Zoning: West Portal Avenue NCD

Dear Mr. Haddad:

The Planning Department has received your Zoning Referral to for an ABC Type 21 Off-sale license to permit off-sale beer, wine and distilled spirits at an existing Specialty Grocery (<u>Sales and Service, Other Retail - Planning Code Section 790.102</u>). Such applications are forwarded to the Planning Department to ensure the proposed use is consistent with San Francisco's zoning regulations.

As required in the application that you submitted, please submit a floor plan, drawn to scale of ¼inch or 1/8-inch showing the entire footprint of the store and clearly designating all areas used for off-sale beer, wine and distilled spirits sales. Please note that the area devoted for off-sale beer, wine and distilled spirits within a retail/specialty grocery store use is <u>limited to less than 15% of the gross square footage of the establishment (including all areas devoted to the display and sale of alcoholic beverages)</u> pursuant to Planning Code within the accessory use limits as set forth in <u>Section 703.2(b)(1)(C)(vi)</u>. Failure to submit a floor plan may result in the denial of your application. Please do so as soon as possible so that the Planning Department can make a recommendation to the Police Department prior to hearing date. Additionally, please submit photographs of the interior of the store. (The floor plan and photographs can be submitted via email to the planner's address below).

If the square footage dedicated to the off-sale of beer, wine, and distilled spirits (including all areas devoted to the display and sale of alcoholic beverages) within a retail/specialty grocery store use is greater than 15% of the gross square footage of the establishment, the use is no longer considered Accessory to a Specialty Grocery but is a considered a Liquor Store (<u>Planning Code</u>

Section 790.55), and Planning Code Section 312 neighborhood notice is required prior to Planning staff approval or denial.

Please submit the floor plan to Marcelle Boudreaux. You can also direct any questions concerning this letter to him at (415) 575-9140 or Marcelle.Boudreaux@sfgov.org. Thank you for your attention to this notice. An early and complete response on your part will help expedite our review of your permit application.

cc: Jim Saxton, sfliquorlicenses@gmail.com Erica Major, Erica Major@sfgov.org

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August 28, 2015

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

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And in addition to completely changing our business plan, we would also ponder and brainstorm on a branding name change that will better suit our new business plan.

Please do not hesitate in contacting us if you should have questions or concerns.

Sincerely

Issa Haddad, Owner 415. 410.5268 <u>haddadissa10@yahoo.com</u> Jim Saxton, Liquor Licenses of San Francisco Bay Area 925. 689.6766 <u>sfliquorlicenses@gmail.com</u> David J. Villa-Lobos, CLA Consulting 415. 921.4192 <u>admin@communityleadershipalliance.net</u>

Department of Alcoholic Beverage Control

INFORMATION AND INSTRUCTIONS -

SECTION 23958.4 B&P

- Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.
 Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
 Part 2 is to be completed by the applicant, and returned to ABC.
 Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

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State of California Ecround G. Brown at , Bovernor

PART 1 - TO BE COMPLETED BY AN	3C							
1. APPLICANT'S NAME								
	ddad, 1559	<u> </u>						
2 PREMISES ADDRESS (Super purce) and name, city 36 W. Portal	Ave, San,	S. Francisco, CA	94127	a LICENSE TYPE	: 			
A TYPE OF BUSINESS	Hofbrau/Cafeteria	Cocktall Lounge	·	[Private Clui	ь			
Deli or Specialty Restaurant	Comedy Club	Night Club		Veterans C				
Cafe/Coffee Shop	Brew Pub	Tavem: Beer	Fratemal Club		lub			
Bed & Breakfast	Theater	Tavem: Beer & Wine		. Wine Tasting Room				
Wine only All								
	Membership Store	Service Station	Service Station Swap Meet/Fiea		/Fiea Market			
Julquor Store	Department Store	Convenience Market	Drive-in Deiry					
Drug/Variety Store Florist/Gift Shop Convenience Market w/Gasoline								
Other - describe:								
5. COUNTY POPULATION	5. TOTAL NUMBER OF LICENSES IN		17, RATIO OF LICE	INSES TO POPULA		7		
8. CENSUS TRACT NUMBER	S. NO. OF LICENSES ALLOWED IN C	On-Sale Off-Sale	DELICE	ISES EXISTING IN (Off-Sale		
0308.00	S. NO. OF DESIGES ALL WED AND	On-Sale Hoff-Sale	<u>ځ</u>	-	On-Sale	Off-Sale		
11 IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (Le., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population in the census tract exceed the ratio of licenses to population in the census tract exceed the ratio of licenses to population in the census tract exceed the ratio of licenses to population in the census tract exceed the ratio of licenses to population in the census tract exceed the ratio of licenses to population in the census tract exceed the ratio of licenses to population in the census tract exceed the ratio of licenses to population in the census tract exceeds the census tract exceeds the census tract exceeds the census t								
Yes, the number of existing licenses exceeds the number allowed								
No, the number of existing licenses is lower than the number allowed								
12. DOES LAW ENFORCEMENT AGENCY MAINTAIN	7					•		
Yes (Go to Item #13)	No (Go to Item #20)	15 TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS						
180	653		ব	3,160				
15. AVERAGE NO. OF DEFENSES PER DISTRICT	17. 120% OF AVERAGE NUMBER OF	OFFENSES .	16. TOTAL NUMB	ER OF DEFENSES	IN REPORTING DIS	זאנכז		
19 IS THE PREMISES LOCATED IN A HIGH CRIME R	1 77							
19 IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (I.e., has a 20% protein number of reported comes than the average mutched comes as determined into the focal law enforcement agency)								
Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17								
VNo, the total number of offenses in the reporting district is lower than the total number in item #17								
20. CHECK THE BOX THAT APPLIES (shear only one box)								
on this issue, Advise the applicant to bring this completed form to ABC when filing the application.								
; b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license. a retail bone fide public eating place license, a								
retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.15(b) B&P. or a retail license issued in conjuction with a								
beer manufacturer's license, or winegrower's license, advise the <u>goolicant to complete Section 2</u> and bring the completed form to ABC when filing the application or as soon as possible thereafter.								
C. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-								
sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license. Bovise the <u>applicant to take this form</u> to the local coverning body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to								
ABC in order to process the application.								
Borning Body/Designated Subordinate Name: Born of Supervisors								
FOR DEPARTMENT USE ONLY								
PREPARED BY (Name of Department Employee,	(And	······································			· ·····	-		
ABC-245 (rev. 01-11)								
ere e a konzer (k								

PART 2-TO BE COMPLETED BY THE APPLICANT (If box, #20b is checked)

21. Based on the information on the reverse, the Department may approve your application if you can show that public convenience or necessity would be served by the issuance of the license. Please describe below the reasons why issuance of another license is justified in

22. APPLICANT SIGNATURE 23 DATE SIGNED TO BE COMPLETED BY LOCAL OFFICIALS (If box #20c is checked) ART 3 The applicant named on the reverse is applying for a license to sell alcoholic beverages at a premises where undue concentration exists (i.e., an over-concentration of licenses and/or a higher than average crime rate as defined in Section 23958.4 of the Business and Professions Code). Sections 23958 and 23958.4 of the Business and Professions Code requires the Department to deny the application unless the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. Please complete items #24 to #30 below and certify or affix an official seal, or attach a copy of the Council or Board resolution or a signed etter on official letterhead stating whether or not the Issuance of the applied for license would serve as a public convenience or necessity. 24. WILL FUBLIC CONVENIENCE OR NECESSITY BE SERVED BY ISSUANCE OF THIS ALCOHOLIC BEVERAGE LICENSE? See Attached [i.e., letter, resolution, etc.) ł No Yes 25. ADDITIONAL COMMENTS, IF DESIRED (may include reasons for approval or mental of public convenience or necessity); . 122 CITY/COUNTY OFFICIAL PHONE NUMBER 27 DITYCOUNTY OFFICIAL TITLE E DITY/COUNTY OFFICIAL NAME . 30 DATL SIGNED 25 DITYCOUNTY OFFICIAL SIGNATURE ABC-245 REVERSE (rev. D1-11)