

File No. 100294

Committee Item No. 1

Board Item No. 6

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee: City Operations & Neighborhood
Services Committee

Date 9/13/10

Board of Supervisors Meeting

Date 9/21/10

LIQUOR LICENSE HEARING

Cmte Board

- | | | |
|-------------------------------------|-------------------------------------|----------------------------|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Applicant's Letter |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Police Department Report |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Planning Department Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Clerk's Correspondence |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Other |

- _____
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- _____
- _____
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Completed by Gail Johnson

Date 9/9/10

Completed by YJ

Date 9/16/10

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1 [Liquor License Transfer –715 Market Street]

2
3 **Resolution determining that the transfer of a Type 21 off-sale general license from 50**
4 **3rd Street to 715 Market Street (District 6), to Zain H. Azzghayer for Zain’s Fine Wine &**
5 **Spirits, will serve the public convenience and necessity of the people of the City and**
6 **County of San Francisco, in accordance with Section 23958.4 of the California**
7 **Business and Professions Code, with conditions.**

8
9 WHEREAS, Zain H. Azzghayer is seeking the transfer of a Type 21 off-sale
10 general license from 50 3rd Street to 715 Market Street, for Zain’s Fine Wine & Spirits;
11 and,

12 WHEREAS, The Planning Department has verified that the area is properly
13 zoned; and,

14 WHEREAS, The Police Department recommends that the liquor license
15 application be approved with conditions; now, therefore, be it

16 **RESOLVED, That in accordance with Section 23958.4 of the California Business**
17 **and Professions Code, the Board of Supervisors of the City and County of San**
18 **Francisco hereby determines for the foregoing reasons that the transfer of a Type 21**
19 **off-sale general license to Zain H. Azzghayer for Zain’s Fine Wine & Spirits, will serve**
20 **the public convenience or necessity of the people of the City and County of San**
21 **Francisco.**

22 Conditions: (1) Sales of alcoholic beverages shall be permitted only between
23 the hours of 9:00 a.m. and 10:00 p.m. each day of the week. (2) No alcoholic beverage
24 shall be sold with a net retail price of less than fifteen U.S. Dollars (\$15.00) per unit.
25 Unit is defined as an individual single alcoholic beverage or a single manufacturer’s pre-

1 packaged multi-unit. The fifteen dollar (\$15.00) unit price shall be subject to no more
2 than a 2% (simple interest) annual increase for each year from the date of signature of
3 the ABC-172. This increase can be applied at the discretion of the Department. (3)
4 The sale of beer or malt beverages is strictly prohibited. (4) No person under the age
5 of 21 shall sell or deliver alcoholic beverages. (5) No wine shall be sold with an
6 alcoholic content greater than 15% by volume except for "Dinner Wines" which have
7 been aged two years or more and maintained in corded bottles. (6) Wine shall not be
8 sold in bottles or containers smaller than 750 ml., except for manufacturer pre-packaged
9 multi-unit quantities of four (4) or more. (7) No distilled spirits shall be sold in bottles or
10 containers smaller than 375 ml (corresponds to 4/5 pint). (8) There shall be no cups,
11 glasses, or similar receptacles commonly used for the drinking of beverages, sold,
12 furnished, or given away at the petitioner's premises in quantities of less than twelve
13 (12) in their original multi-container package. (9) All ice shall be sold at or above
14 prevailing prices in the area and in quantities of not less than three (3) pounds per sale
15 and shall not be given away free. (10) No noise shall be audible beyond the area
16 under control of the license. (11) Loitering (loitering is defined as "to stand idly about;
17 linger aimlessly without lawful business") is prohibited on any sidewalks or property
18 adjacent to the licensed premises under the control of the licensee.

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2010 APR 23 PM 4:18

BY AK

File 100294

April 19, 2010

Re: Zain H. Azzghayer
715 Market St.
San Francisco, CA 94103
Public Convenience & Necessity

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

Dear Sir/Madam:

An application to transfer my off-sale general (type 21) license was filed with ABC on 4-29-09. I am moving my license from 50 3rd St. to 715 Market St., approximately a block and a half.

I was previously located in the Argent Hotel which is now the Westin Hotel. It was not economically feasible to continue operating at the hotel. I believe that moving to the main business street of San Francisco will revitalize my business.

My business hours are from 7am to midnight, 7 days a week. I am currently open for business without the license.

If any additional information is needed, please call me at 415-495-6808.

Sincerely,

Zain Azzghayer
Zain H. Azzghayer.

Received email: 5/7/10

LIQUOR LICENSE REVIEW

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

File: 100294

Block/Lot: 3706/064
zoning: C-3-R
Quad: NE
MAB # 1000464

TO: Inspector Dave Falzon
Police Department
Fax No: 970-3088

DATE: May 7, 2010

This item is scheduled to be heard at a meeting on June 14, 2010. **PLEASE E-MAIL YOUR RESPONSE** to Victor Young, Clerk of City Operations and Neighborhood Services Committee.

victor.young@sfgov.org

Applicant Name: Zain H. Azzghayer
and Business Name: Zains Fine Wines and Spirits

Applicant Address: 715 Market Street
and Phone No. 415-495-6808

PLANNING COMMENTS: Approval Denial

per PC code Section 216(b)

POLICE COMMENTS: Approval Denial

Rich Crawford 5/14/10




San Francisco Police Department
ABC Liaison Unit

Alcoholic Beverage License

To: The San Francisco Board of Supervisors' Committee on City Operations
& Neighborhood Services

Supervisor Carmen Chu
Supervisor John Avalos
Supervisor Bevan Dufty

From: Inspector Dave Falzon 
Officer in Charge
ABC Liaison Unit (ALU) 553-9369

Date: September 10, 2010

Subject: P.C.N. Investigation Regarding:

Mr. Zain Azzghayer
dba Zain's Fine Wine & Spirits
715 Market Street
495-6808

Mr. Zain Azzghayer on behalf of Zain's Fine Wine & Spirits has filed an application with the California Department of Alcoholic Beverage Control seeking a Type 21 (off-sale General) license for 715 Market Street (located between 3rd Street and 4th Street).

Proposed Hours of Operation:

Sunday - Saturday 7:00 a.m. - 12 Midnight daily

Digest:

If approved, this premises will sell off-sale quality, high-end wine and spirits. Alcoholic beverages sold shall have a minimum price point subject to an annual adjustment at the discretion of the Alcoholic Beverage Control. The sale of beer and malt beverages will be strictly prohibited.

Letters of Protest:

Letters of Support:

No record

Police Calls for Service:

From February 18, 2010 to June 18, 2010

No Record

Police Reports:

From July 14, 2009 to June 18, 2010

No Record

San Francisco Plot Information:

This premise is located in Plot 212

706 Police Reports were recorded for this plot in 2009

This plot is 485 Police Report(s) over the citywide average (plus 20%) of 221 Police Reports.

State Census Tract Information:

This premise is located in Census Tract 0176.02

Population for this tract is: 534

On-sale license authorized by census tract: 2

Active on-sale licenses: 70 with 0 pending

Off-sale licenses authorized by census tract: 1

Active off-sale licenses: 6 with 1 pending

Departmental Recommendation:

Points of consideration:

APPROVAL w/conditions recommendation by the ABC Liaison Unit

Applicant premise is located in a "high crime" area.

Applicant premise is located in an "undue concentration" area.

15 letters of protest.

No Record letters of support

Applicant supports proposed Conditions

Recommendation: **APPROVAL w/conditions**

Proposed Conditions:

Sales of alcoholic beverages shall be permitted only between the hours of 9:00 a.m. and 10:00 p.m. each day of the week.

No alcoholic beverage shall be sold with a net retail price of less than fifteen U.S. Dollars (\$15.00) per unit. Unit is defined as an individual single alcoholic beverage or a single manufacturer's pre-packaged multi-unit. The fifteen dollar (\$15.00) unit price shall be subject to no more than a 2% (simple interest) annual increase for each year from the date of signature of the ABC-172. This increase can be applied at the discretion of the Department.

The sale of beer or malt beverages is strictly prohibited.

No person under the age of 21 shall sell or deliver alcoholic beverages.

No wine shall be sold with an alcoholic content greater than 15% by volume except for "Dinner Wines" which have been aged two years or more and maintained in corded bottles.

Wine shall not be sold in bottles or containers smaller than 750 ml. Except for manufacturer pre-packaged multi-unit quantities of four (4) or more.

No distilled spirits shall be sold in bottles or containers smaller than 375 ml (corresponds to 4/5 pint).

There shall be no cups, glasses, or similar receptacles commonly used for the drinking of beverages, sold, furnished, or given away at the petitioner's premises in quantities of less than twelve (12) in their original multi-container package.

All ice shall be sold at or above prevailing prices in the area and in quantities of not less than three (3) pounds per sale and shall not be given away free.

No noise shall be audible beyond the area under control of the license.

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.

end.

PROTEST AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION

- Please refer to Form ABC-510, Instructions for Protesting an Alcoholic Beverage License Application, before completing and submitting your protest. The ABC-510 can be found at www.abc.ca.gov.
- Please print legibly or type. Incomplete and/or illegible information will cause the protest to be rejected.
- You will be notified by letter regarding a hearing on your protest. You will need to attend the hearing to testify and/or present evidence to support your protest.
- A copy of this completed form, ABC-510-A, will be provided to the applicant.

I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

AZZGHAVER ZAIN HASHEM

(Name(s) of Applicant(s))

For premises at:

715 MARKET ST AT 3RD SAN FRANCISCO, CA 94103

(Exact address of proposed premises)

on the grounds that:

- ① THIS LICENSE LOCATION IS WITHIN 1000' OF A PARK WHERE CHILDREN PLAY, THIS LICENSE IS WITHIN 1000' OF A PUBLIC SCHOOL.
- ② THE LICENSE HOLDER IF EMPLOYED SHOULD NOT BE ALLOWED TO SELL ANY ALCOHOL IN ANY BOTTLE LESS THAN 750 ML.
- ③ NO SINGLE CANS OR BOTTLES OF BEER SHOULD BE ALLOWED
- ④ NO MALT LIQUOR SHOULD BE ALLOWED OF ANY SIZE OR TYPE
- ⑤ NO FORTIFIED WINE'S OR BEER OR ALCOLIC SHOULD BE ALLOWED
- ⑥ NO SINGLE SHOT SPIRITS SHOULD BE ALLOWED
- ⑦ NO TOBACCO PARAFENOLIA SHOULD BE ALLOWED

Check here if additional sheets attached

I, MARVIS J PHILLIPS

PRINT (Name of Protestant)

, declare under penalty of perjury:

(1) That I am the protestant herein; (2) That I have read the above protest and know the contents thereof; and (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

ALLIANCE FOR A BETTER DIST 6

PROTESTANT'S SIGNATURE

Marvis J Phillips PUBLIC SAFETY CHAIR

PROTESTANT'S TELEPHONE NUMBER (Optional)

415 674-1935

SIGNED AT (City and state)

SAN FRANCISCO, CALIFORNIA

DATE SIGNED

21 MAY 2004

PROTESTANT'S ADDRESS (Street number and name, city, state, zip code)

230 EDDY ST #1206 SF. CA 94102-6526

PROTEST AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION

- Please refer to Form ABC-510, Instructions for Protesting an Alcoholic Beverage License Application, before completing and submitting your protest. The ABC-510 can be found at www.abc.ca.gov.
- Please print legibly or type. Incomplete and/or illegible information will cause the protest to be rejected.
- You will be notified by letter regarding a hearing on your protest. You will need to attend the hearing to testify and/or present evidence to support your protest.
- A copy of this completed form, ABC-510-A, will be provided to the applicant.

I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

Azzghayer Zain Hashen
(Name(s) of Applicant(s))

For premises at:

715 Market Street San Francisco, CA 94103-2101
(Exact address of proposed premises)

on the grounds that:

- 1) Issuance of the license to the premises would add to an undue concentration of licenses.
- 2) Licensing the premises will aggravate an already existing police problem in a high-crime area.
- 3) The premises are within 500 feet of open space play area for children.
- 4) Licensing the premises would create a public nuisance.
- 5) Licensee already maintains unsightly frontage at current location.
- 6) No small bottles of liquor should be for resale.
- 7) Hours of operation should not be after 12 midnight.
- 8) Beer, malt beverages, and wine coolers must be sold in manufacturer pre-packed multi-unit quantities only.

Check here if additional sheets attached

I, Michael Nulty, declare under penalty of perjury:
PRINT (Name of Protestant)

(1) That I am the protestant herein; (2) That I have read the above protest and know the contents thereof; and (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief; and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE <u>Michael Nulty</u>	PROTESTANT'S TELEPHONE NUMBER (Optional)
SIGNED AT (City and state) <u>San Francisco, CA</u>	DATE SIGNED <u>5/23/09</u>
PROTESTANT'S ADDRESS (Street number and name, city, state, zip code) <u>P.O. Box 420846, San Francisco, CA 94142-0846</u>	

Department of Alcoholic Beverage Control
**PROTEST AGAINST ALCOHOLIC
 BEVERAGE LICENSE APPLICATION**

- Please refer to Form ABC-510, Instructions for Protesting an Alcoholic Beverage License Application, before completing and submitting your protest. The ABC-510 can be found at www.abc.ca.gov.
- Please print legibly or type. Incomplete and/or illegible information will cause the protest to be rejected.
- You will be notified by letter regarding a hearing on your protest. You will need to attend the hearing to testify and/or present evidence to support your protest.
- A copy of this completed form, ABC-510-A, will be provided to the applicant.

I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

AZZGHIWER ZANZAIN NOSHEN

(Name(s) of Applicant(s))

For premises at:

715 MARKET ST AT 3RD ST

(Exact address of proposed premises)

on the grounds that:

- ① NO FORTIFIED WINE, SPIRITS
- ② NO SMALL CONTAINERS BELOW 500ML
- ③ NO SINGLE SHOT BOTTLES
- ④ TOO CLOSE TO A PARK & PLAYGROUND
- ⑤ TOO MANY ON MARKET
- ⑥ UNSIGHTLY FRONTAGE AT CURRENT SITE
- ⑦ TOO MANY LICENSES IN CENUS TRACK

Check here if additional sheets attached

I, LORETTA PHILLIPS, declare under penalty of perjury:
PRINT (Name of Protestant)

(1) That I am the protestant herein; (2) That I have read the above protest and know the contents thereof; and (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE

X Loretta Phillips

PROTESTANT'S TELEPHONE NUMBER (Optional)

(415) 674-1935

SIGNED AT (City and state)

SAN FRANCISCO, CA

DATE SIGNED

21 MAY 2009

PROTESTANT'S ADDRESS (Street number and name, city, state, zip code)

230 EDDY ST # 321 SAN FRANCISCO, CA 94102

Department of Alcoholic Beverage Control
**PROTEST AGAINST ALCOHOLIC
BEVERAGE LICENSE APPLICATION**

- Please refer to Form ABC-510, Instructions for Protesting an Alcoholic Beverage License Application, before completing and submitting your protest. The ABC-510 can be found at www.abc.ca.gov.
- Please print legibly or type. Incomplete and/or illegible information will cause the protest to be rejected.
- You will be notified by letter regarding a hearing on your protest. You will need to attend the hearing to testify and/or present evidence to support your protest.
- A copy of this completed form, ABC-510-A, will be provided to the applicant.

I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

AZZehayer ZAIN Hashem
(Name(s) of Applicant(s))

For premises at:

715 Market St, San Francisco, CA 94103
(Exact address of proposed premises)

on the grounds that:

- 1.) Licensee has obstruction signage on sidewalk at current location
- 2.) License location is within a thousand feet of where children play.
- 3.) Store should not be open after 12: midnight ANY DAY of the week
- 4.) Licensee currently maintains a public nuisance.

Check here if additional sheets attached

I, Susan Bryan, declare under penalty of perjury:
PRINT (Name of Protestant)

(1) That I am the protestant herein; (2) That I have read the above protest and know the contents thereof; and (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE <u>Susan Bryan</u>	PROTESTANT'S TELEPHONE NUMBER (Optional)
SIGNED AT (City and state) <u>SAN FRANCISCO CA 94102</u>	DATE SIGNED <u>MAY 25, 2009</u>
PROTESTANT'S ADDRESS (Street number and name, city, state, zip code) <u>S37 JONES St # 8402 SAN FRANCISCO CA 94102</u>	

ABC-510-A (10/07)

RECEIVED CA 94102
MAY 29 2009
Dept of Alcoholic Beverage Control
San Francisco

TO: SHEREE SIMPSON, DISTRICT DIRECTOR, CALIFORNIA ABC
FROM: Leon E. Evans, 222 Kearny Street, San Francisco
DATE: May 22, 2009
RE: PROTEST TO ISSUANCE OF LICENSE NO. 478231 – 715 Market Street

It is my opinion that downtown San Francisco is over supplied with liquor stores. Please consider my points below which identifies the concerns of allowing another liquor store to open at the cross streets of Third and Market.

OVERCONCENTRATION OF LICENCES IN CENSUS TRACT 0176.02 – There is a clear overconcentration of off-sale liquor licenses in Downtown San Francisco. There has been no population increase to warrant the addition of another liquor shop, and the ABC reporting system online shows that there are already 56 liquor licenses in this same census tract. High concentration of liquor licenses result in high concentrations of crime.

The population has not increased and with the current supply of liquor stores the needs and convenience of the people and visitors of San Francisco are fulfilled. There are over 50 licenses already active in this census tract area. Alcoholic beverages are easily purchased in this particular area due to the over supply of off-sale liquor store licenses between Third Street and Sixth Street contributes.

High Crime Area – Though this corner of the City has improved over the past few years, allowing another liquor store to open has the potential to attract all those problems that blight the mid-Market Street corridor. There is a concentration of high crime between Third Street and Seventh Street as a result of the terrible alcohol and associated drug abuse in the area. Easy access to alcohol in a high crime area is a recipe for continued social problems and the vicious cycle of crime.

Proximity of Existing Liquor Stores – The proposed liquor store at 715 Market Street has Third Street as it's cross road. Zains Fine Wines and Spirits is applying for this license even though they already have a liquor store on the same block around the corner at 50 Third Street. Across Third Street is another full Type 21 off sale liquor store at 17 Third Street called Cask. If this 715 Market Street is approved then it will result in three off sale liquor stores on one corner of downtown San Francisco. This is too many on one corner with the long term possibility of this area reverting back to the blighted state of Mid Market in the future.

Public Need and Convenience is currently completely fulfilled. The general public's need for the convenient purchase of beer, wine and spirits is already completely served at this part of the City. Convenience is actually maximized in this part of town due to the existence of the current Zain's Liquor Store around the corner on Third, in addition to Cask Store also on Third, and John Walkers Whisky Company on Sutter at Kearny. There is no additional convenience served or need in the current marketplace of having another liquor outlet near these three stores.

Thank you for taking these concerns into consideration.

RECEIVED
MAY 28 2009
Department of Alcoholic Beverage Control
San Francisco

The ABC should deny the application for Type 21 License to Zain's Wine and Spirits proposed at 715 Market Street in San Francisco for the following reasons:

1. The license (#478231) for this establishment has been inactive since April 2007, having been surrendered by its owner Azzghayer Zain Hashem. The ABC should have cancelled this license after one year of nonuse.
2. There are 100 active licenses in District 6 already, 56 in the 94103 zip code area alone. The area does not warrant another license in an area with such a high crime rate.
3. There are two liquor stores on the block of the proposed location already. Zain's at 34 Third Street (owned by the same Azzghayer Zain Hashem proposing to open the 715 Market Street location) is situated less than half a block away from the proposed location. Directly across the street from 34 Third Street (and also half a block away from proposed location) is Cask Spirits, another hard liquor store. Two liquor stores are more than sufficient to serve the needs of the people frequenting this block.
4. Within four blocks of the proposed location there are already a number of off-sales establishments. They are located at the following addresses:

34 Third Street, 17 Third Street, 238 Sansome Street, 175 Sutter, 15 Drumm Street, 151 Sixth Street, 201 Sixth Street, 65 Sixth Street, 40 Fifth Street, 22 Seventh Street, 615 Seventh Street, 22 Sixth Street, 220 Fourth Street.

Undue concentration of licenses in District 6 will certainly contribute to the continually growing negative social ills as a result of alcohol abuse in this area.

In short, the ABC should deny a Type 21 license application for Zain's Wine and Spirits because it will contribute far more negatively than positively. The license has been inactive for more than one year and there are more than enough establishments in the area licensed to sell liquor already. Thank you.

RECEIVED
MAY 27 2009
Dept of Alcoholic Beverage Control
San Francisco

TO, San Francisco District Office of the Alcoholic Beverage Control
 FROM, Andrew Karen
 DATE, 5/22/2009
 RE, Protesting License Application at 715 Market Street, San Francisco

Over Concentration of Off-Sale Licenses

This downtown area has far too many off sale to go licenses already. The ABC reporting system shows 56 active licenses in this census area. Regarding Type 21 Off Sale licenses there are already 2 of those licenses on the same corner -- Cask Spirits at 17 Third St and Zains Liquors at 50 Third Street. Allowing another Type 21 within 200 yards of two existing Type 21 outlets is a text book case of over concentration.

Mid Market Blighted Area

The area from Third Street to Sixth Street and Market Street to Mission has been one of the most challenging alcohol induced crime areas for decades. Much progress has been made by the ABC and the SFPD in minimizing the problems of over concentration of licenses in one area. The problems resulting from liquor stores has been moved away from Third Street over the past few years, but allowing a Type 21 license to open on Market Street will again provide the real chance that eventually alcohol related crime will return to this part of town. Regardless of what restrictions are imposed on the License, once that license is added to Market Street, chances are that it will be there for decades to come.

Expired License

This License 478231 should have expired when the Argent Hotel changed hands and the Licensee lost their lease. This license should have already been eliminated.

Public Need and Convenience

With two fine wine and spirits stores already existing at Third Street and Market, and another on Sutter St (John Walker Whisky Shop), there is no further need for yet another store, even if it is presented as "Fine Wines and Spirits". The convenience is also fully satisfied by these three existing stores mentioned above.

RECEIVED
 MAY 28 2009
 Dept. of Alcoholic Beverage Control
 San Francisco

May 22, 2009

California ABC, San Francisco District
71 Stevenson Street, Suite 1500
San Francisco, CA 94105

Dear Sheree Simpson, District Director of the ABC

As a resident with employment in Downtown San Francisco I wish to express my concern regarding the possibility of another liquor store opening on Market Street. The application for an off sale alcohol license by one "Zains Fine Wine & Spirits" (has a license number of 478231) should not be approved to ensure that there are no additional negative social problems related to alcohol and drug abuse arising from so many liquor stores located in this one area of Market and Third streets. Another liquor outlet at this proposed location of 715 Market Street is in a part of the city which is already completely over-concentrated with off-sale licenses.

There is clearly no need by the public of which I am a representative, to have three liquor stores on the same cross streets of Market Street and Third Street, selling the same alcoholic beverages. The need is already fully serviced by the existing off-sale alcohol outlets. There are already two liquor stores at 50 Third Street (called Zain's also) and at 17 Third street (called "Cask"), which is within half a block from this new license application location. Should the Alcoholic Beverage Control Department approve this application then there will be three liquor stores within yards of each other all offering all the same alcoholic beverages.

Another concern that I have is that this license should already have been taken back by the ABC for inactivity. Why has it been allowed to be reactivated again after so much time has passed since the Argent Hotel changed hands and this license lost its lease?

Why is it that the ABC and local government denied the application of off-sale licenses at the 7-Eleven store beside this 715 Market Street location a couple of years ago, and have also denied the license application for Bristol Farms at the San Francisco Center, also on Market street, just 3 blocks away. What makes this application any different? There has been no population increase to justify another license at this location, and crime levels have actually risen.

This style of off-sale alcohol store offering miniature bottles of alcohol, cheap high alcohol malt drinks with such easy access results in so much negative social behavior fueled by alcohol abuse, and drug abuse. The consequence of so many liquor shops in one area is higher concentration of criminal activity, blighted neighborhoods and every increasing crime. We need to minimize these liquor stores such as those operated by the Zain operators so that alcohol is not so easily attainable. The 715 Market address of this proposed liquor shop is only a couple of blocks from the terribly blighted problem areas of Market Street between Fifth Street and Eight Street. Permitting and even increasing the number of liquor stores at the cross roads of Third St and Market St could result in the blight extending back to Third Street. There are at least 50 licensed alcohol for sale locations in the census area of 0176-02 so there is certainly enough to serve the needs, not to mind the convenience of the people, like me, of the City and County of San Francisco. I urge you to keep this part of town under alcohol abuse control by preventing any more liquor stores from opening on Market Street.

Rebecca Chin

RECEIVED
MAY 27 2009
Dept of Alcoholic Beverage Control
San Francisco

TO: District ABC Director

California ABC, San Francisco Office

FROM: Kelly Huang, 450 Sutter St, Suite 1723, San Francisco

DATE: May 20, 2009

RE: Protest of License Application at 715 Market Street #478231

As a resident of San Francisco it is my opinion that there are already enough liquor stores in downtown San Francisco, and this application for another license at 715 Market Street by Zains Fine Wine and Spirits should not be allowed under any circumstances. Here are a few of the reasons why it should not be allowed.

In the area of 715 Market Street there is already a liquor store less than 500 feet away, around the corner at 50 Third street, called Zain's by the same person. Why does the city need two liquor stores on the same corner from the same person? Also across the street on Third street is another new liquor store called Cask. This is plenty of liquor stores to serve the convenience of people in this area. Within a few blocks of 715 Market street there are so many other to-go beer, wine and spirits stores that there is no need for another one. There are over 50 of these to-go stores in this area, that's enough. There are so many problems that come from these liquor stores with homeless people always hanging around the front of them and always buying alcohol for their addiction so easy.

In this part of downtown there is an over concentration of licenses, more than 100 places to get alcohol. There are over 50 places to get alcohol to go. This many licenses allow too much easy access for alcoholics and many homeless people to continue their cycle of alcohol abuse, with the result of so much high crime in the area. This part of town, even though it's downtown still has so much crime and criminals. It's very close to the worst part of town, the 6th street at Market st. That's only 2 and a half blocks from this proposed liquor store at 714 market st. Also at night everyone knows that Stephenson street, across the street from Zains liquors at 50 third street is the meeting place for many criminals that cause crime in the nights and evenings. There is lots of drugdealing in that area.

One more reason to be concern is the application notice is not clearly posted on the building. It's a white notice put up in front of a white paper background, and put down really low so nobody can really notice the notice. The notice is also scrunched up so its not possible to read it all. This is not fair to the public passing by. Nobody would notice this sign when its posted like this.

Please don't let another liquor store into downtown. We have enough problems with them.

RECEIVED

MAY 27 2009

Dept of Alcoholic Beverage Control
San Francisco

May 20, 2009

California ABC, San Francisco District
71 Stevenson Street, Suite 1500
San Francisco, CA 94105

To the attention of Sheree Simpson, ABC District Director

The application for an off sale alcohol license by Zain's Fine Wine and Liquors (Lic# 478231) should not be allowed. Another liquor outlet at this location of 715 Market Street is in a part of the city which is already completely over-concentrated.

What is the need of the public to have two identical liquor stores on the same corner of Market and Third from the same owner, selling the same alcoholic products? There are already liquor stores at 50 Third Street and at 17 Third street, which is within half a block from this new license application. If the ABC approves this license then there will be THREE liquor stores within yards of each other from the same person offering all the same products. Another outlet called Sellers Market which is located at 721 Market Street is adjacent to the proposed liquor store and also sells alcohol.

This license #478231 should not be allowed to be activated by the ABC in my opinion since that license should have already expired or been withdrawn since it was not in used over three years. The old license number was 383404, so why is it allowed to be reactivated again after so much time?

These types of to-go liquor outlets result in many negative social issues fueled by alcohol abuse. The result of too many liquor shops in one area is higher concentration of criminals and crime. This 715 Market street location is just three blocks from the alcohol and drug prone problem areas of Mid-Market from 5th - 9th St. Having so many liquor stores at the corner of Third and Market could result in those problems in expanding to Third Street. I doubt that anyone in San Francisco

The ABC already manages over 56 licenses in this census tract of 176.02. This is surely enough to serve the convenience of the people of San Francisco.

Ricardo Tjon

RECEIVED

MAY 27 2009

Dept of Alcoholic Beverage Control
San Francisco

May 20, 2009

California ABC
San Francisco District
71 Stevenson St
Suite 1500
San Francisco, CA
94105

Dear District Director of the ABC,

There is an application by Zain's Fine Wine and Liquors to open yet another liquor store at 715 Market Street in a part of downtown San Francisco that already has far too many. In fact, why do we need two liquor stores on the same corner of Market Street and Third Street? This is two liquor stores within a few yards of each other from the same person offering the same products. Just a couple of years ago the 7 Eleven shop was denied a license to sell alcohol, so why would it be ok now for the location of 715 Market Street to sell alcohol? The Bristol Farms store on 5th at Market street also has not got the license they applied for. There's even a Sellers Market at 721 Market offering alcohol at its store right beside this proposed liquor store at 715 Market St.

Liquor stores like this attract all sorts of problematic people with alcohol and drug induced challenges to congregate in one area. Where there are so many liquor stores in one area then it's always the case that more problematic alcohol abusers hang out in the same area. This results in many types of crimes because of the alcohol abuse.

There are over 50 licenses in this census area where alcohol can be purchased for to go. This is more than enough. It is completely over concentrated with licenses. We don't need one more.

This location on Market street is only a 1/2 block away from Stephenson street at 3rd Street where alcohol and drug abusers get together late every single night. They already get their low grade liquor like mini bottles of vodka and even plastic cups and cheap beer from the Zains store on 3rd street as it is open from early morning to late at night. Also the problems of all the alcohol and drug abuse coming from 6th Street at Market is only 3 blocks away, so what's to stop this corner of Market street from becoming a gathering point for alcohol and drug abusers?

I request that the ABC really consider the negative social long term impacts that another liquor store added to this part of town will have and not allow this to open. If this store gets open on Market street what's to stop it from changing hands in a couple years and becoming another cheap liquor store, not a fine wine and spirits shop. We have enough social problems in downtown San Francisco from too many liquor shops.

George Dyogi

555 California St
San Francisco, CA 94104

RECEIVED

MAY 27 2009

Dept of Alcoholic Beverage Control
San Francisco

Department of Alcoholic Beverage Control
**PROTEST AGAINST ALCOHOLIC
BEVERAGE LICENSE APPLICATION**

State of California

- Please refer to Form ABC-510, Instructions for Protesting an Alcoholic Beverage License Application, before completing and submitting your protest. The ABC-510 can be found at www.abc.ca.gov.
- Please print legibly or type. Incomplete and/or illegible information will cause the protest to be rejected.
- You will be notified by letter regarding a hearing on your protest. You will need to attend the hearing to testify and/or present evidence to support your protest.
- A copy of your valid protest, including your name and address, will be provided to the applicant as a public record and a right of discovery for a protest hearing.

I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

Zain Hashem Azzghayer

(Name(s) of Applicant(s))

For premises at:

715 Market Street, San Francisco, CA 94109

(Exact address of proposed premises)

on the grounds that:

We feel that the selling of alcoholic beverages would be a severe detriment to our neighborhood. The homeless and vagrants in front of 711 and 715 Market Street have already impacted the safety and quality of life for us and our tenants dramatically. We believe that the selling of alcoholic beverages would only worsen a bad situation.

There are two other stores that sell alcoholic beverages in the immediate area. It is our opinion that they are more than sufficient to serve the area's clientele that wish to purchase beer, wine or liquor.

Check here if additional sheets attached

Kathy Freer

, declare under penalty of perjury:

PRINT (Name of Protestor)

(1) That I am the protestant herein; (2) That I have read the above protest and know the contents thereof; and (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE

Kathy M. Freer

SIGNED AT (City and State)

San Francisco, CA

PROTESTANT'S ADDRESS (Street number and name, city, state, zip code)

703 Market Street, Suite 1706, San Francisco, CA 94103

PROTESTANT'S TELEPHONE NUMBER (Optional)

(415) 982-1935

DATE SIGNED

May 21, 2009


 Mr. Leo Ng
 711 Market St.
 San Francisco, CA 94103
 



Reasons that the ABC should deny application for Type 21 License application Zains Wine and Spirits proposed at the location of 715 Market Street.

This License (#478231) should have been canceled by the ABC since it was surrendered for inactivity. The owner of this license, Azzghayer Zain Hashem has not had this license in effect since April of 2007, when the Argent Hotel became the Westin Market Street. This license should have been canceled by the ABC after 1 year of no use.

There is no convenience served by this location to the people of San Francisco. There is already a full liquor store located less than half a block away at 34 Third Street, also called Zain's, by the same person that now wants to open this liquor store around the corner. At this Zains on Third Street homeless people buy the cheapest alcohol, and there are even plastic cups provided for free for customers. One liquor store on this corner is more than enough, and across the street on Third Street at Market there is yet another hard liquor store called Cask Spirits. Two hard liquor stores on this corner are more than enough to serve the people of San Francisco frequenting this part of the city. Within four blocks there are the following off-sales stores that more than serve the public convenience of this area:

34 Third Street, 17 Third Street, 238 Sansome Street, 175 Sutter, 15 Drumm Street, 151 Sixth Street, 201 Sixth Street, 65 Sixth Street, 40 Fifth Street, 22 Seventh Street, 615 Seventh Street, 22 Sixth Street, 220 Fourth Street.

Undue concentration of licenses in District 6. There are already over 100 active licenses in the district. Even in the zip code of 94103 there are 56 off sale licenses (see attached list of off-sale licenses). This is far too many licenses in such a high crime area and surely contributes to the continuing negative social ills that result from alcohol abuse in this area.

This proposed liquor license location of 715 Market Street is too close to the troublesome high-crime street of Stephenson at Third and the blighted area of 6th Street between Market and Howard. Every night there Stephenson alley off of Third is used by homeless people as a gathering point to consume excessive amounts of alcohol, purchase drugs, deal drugs, and consume drugs. Adding another liquor store near Stephenson will further add to the social problems with this part of our city. Since 2006 Bristol Farms Grocery Store located at the San Francisco Shopping Center has not had its license approved based on it's proximity to these high crime areas, as well as there already being an over concentration of licenses. Also the 7-Eleven store at 711 Market Street, located next to this 715 Market Street location was denied an ABC License a couple of years ago for all these same reasons.

Application Notice Concealed - for many days during the application period the license application notice was concealed periodically behind more white paper so the public could not see the details of the application. This is unacceptable and the concealment of the application during the busy business hours probably prevented members of the public to be properly informed of the application.

RECEIVED
MAY 27 2009
 Dept of Alcoholic Beverage Control
 San Francisco

TO: ABC CALIFORNIA
FROM: NORIKO MORROW
DATE: 5/22/2009
RE: LICENSE #478231 - (Attachment to form ABC-510-A)

There is an overconcentration of off-sale liquor licenses in Downtown San Francisco. The population has not increased and with the current supply of liquor stores the needs and convenience of the people and visitors of San Francisco are fulfilled. There are over 50 licenses already active in this census tract area. Surely this gives enough access to alcoholic beverages in one area. The proliferation of off-sale licenses between Third Street and Sixth Street contributes to the concentration of high crime based on alcohol abuse, and easy access to alcohol.

Restrictions – most of the existing liquor stores are permitted to sell alcohol from 6am to 1:30am which contributes to the negative social problems of this part of town. There are hardly any stores with restrictions on the sale of mini-bottles of liquor, cheap high-alcohol malt beverages and most stores still are permitted to give away free ice and plastic cups, further enabling the alcohol based problems. Even by applying restrictions on the times of sales and types of alcohol sold, any new liquor store close to the Mid-Market blighted area will attract further problems towards this part of town.

Proximity to existing Liquor Stores – the 715 Market Street location is at the corner of Third Street. Zains Wines and Spirits is applying for another off sale alcohol license (Lic# 478231) even though there is already a Zains Liquor Store less than 200 yards away at 50 Third Street, and yet another full liquor store across the street at 17 Third Street called Cask Store. Three off sale liquor stores on one corner is sure to be eventually problematic for the neighborhood.

Public Need and Convenience - Already Fully Satisfied - the peoples need for the purchase of alcohol is already completely served at this part of the City. It is already convenient to go to Zain's existing store around the corner on Third, or to Cask Store also on Third. There is no additional convenience of having another liquor outlet near these two stores.

Please take note of these points as you make your decision regarding this application.

RECEIVED

MAY 27 2009

Dept of Alcoholic Beverage Control
San Francisco

Sheree Simpson
District Director
Alcoholic Beverage Control San Francisco Office
71 Stevenson Street
Suite 1500
San Francisco
CA 94105

May 22, 2009

To the Attention of the District Director:

Please consider the following points regarding the application for the addition of a new liquor shop at 715 Market Street in San Francisco. As you will see below, it is my opinion that there are already too many off-sale liquor stores in this area, so there is no need or convenience being served by the addition of one more at this location. Following are the points that should be considered which should help in denying the application:

Complete Over-Concentration of Liquor Stores - This Market Street area has far too many off sale to go licenses in operation. There are over 50 licenses in this license area already. Zains already has a liquor shop selling high alcohol malt beverages and airline minibottles around the corner at 50 3rd St and across the street from that is yet another liquor store named Cask.

Proximity to High Crime Area - The cross streets of Third and Market have their own high crime statistics, but is also just 3 blocks away from the plagued alcohol and drug abuse area of Mid Market Street and the Sixth Street corridor. Allowing another liquor store to open between Third and Sixth street regardless of any operating restrictions has the potential of

Public Need and Convenience is already fulfilled- There are three liquor shops in the same area serving the needs and convenience of the public. Those three liquor shops are John Walker Whisky Co on Sutter at Kearny, Cask Spirits at Third and Market, and the existing Zains Liquors at Third and Market. These three stores are presented as "high end" or "fine", so what is the need for having four stores in the one area selling all the same alcoholic products. There is no inconvenience to anybody if they have to walk an extra 100 feet just to get to a liquor store. There is no convenience served or need in existence for having three liquor stores at one set of cross streets. Please take these points into consideration as you decide whether to approve or deny the application.

Sincerely,

Yann De Graeve.

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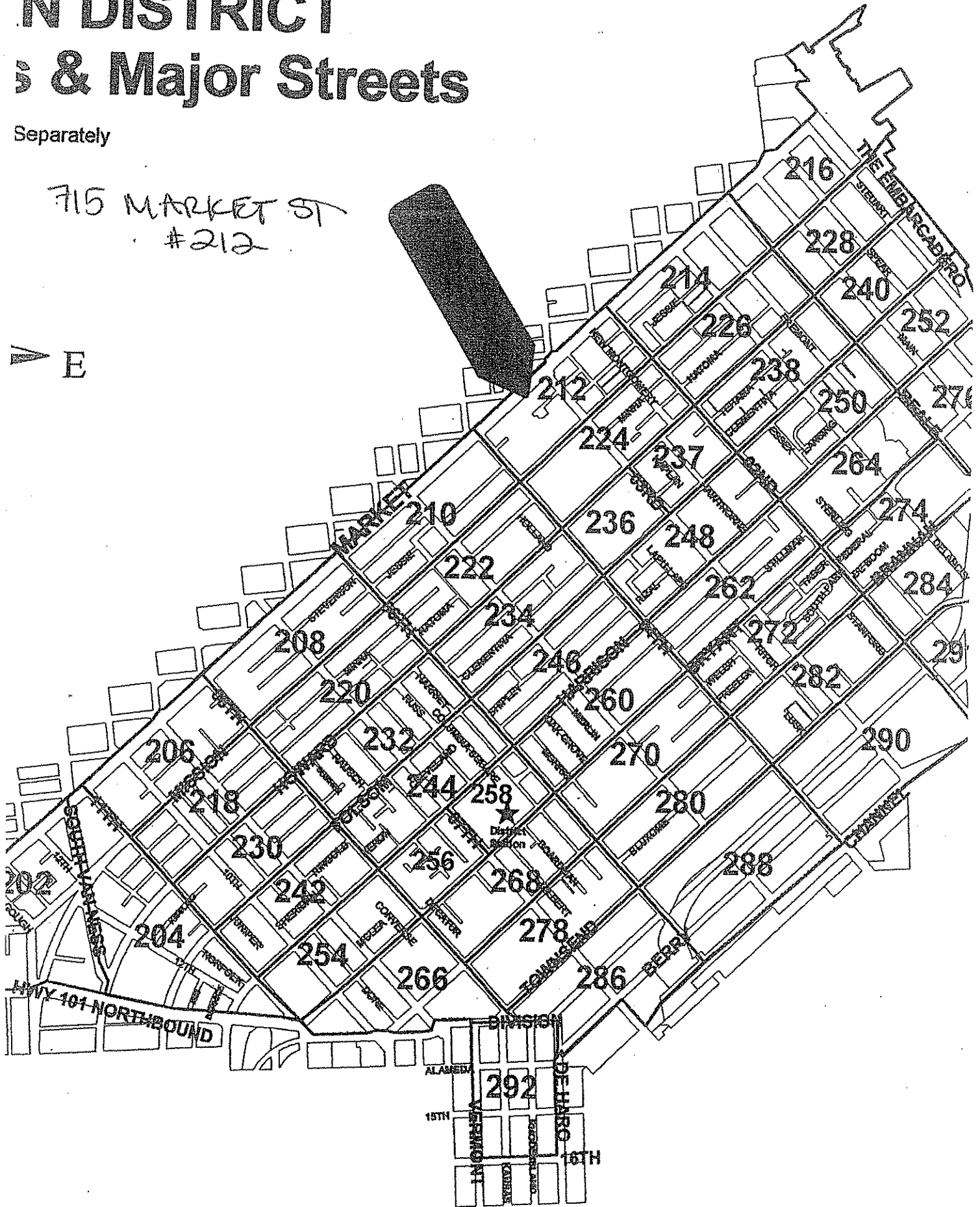
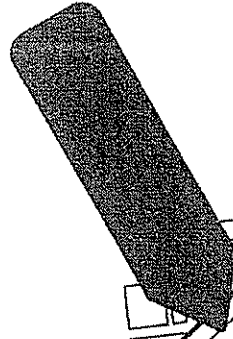
MAY 27 2009

Dept of Alcoholic Beverage Control
San Francisco

N DISTRICT & Major Streets

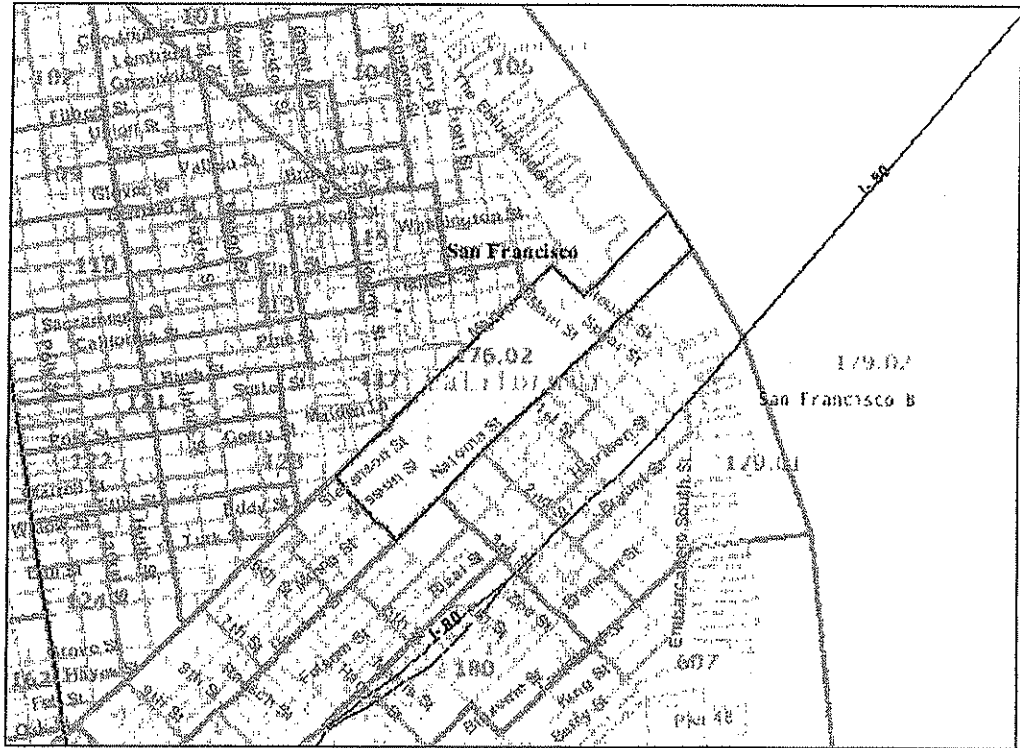
Separately

715 MARKET ST
#212



Census Tract 176.02, San Francisco County, California

- Boundaries**
- State
 - County
 - Census Tract
 - Block Group
 - Block
 - Place
 - Place
 - Urban Area
 - Urban Area
- Features**
- Major Road
 - Street
 - Stream/Waterbody
 - Stream/Waterbody



2.8 miles across

Close

715 MARKET ST

Google maps

Address 715 Market St
San Francisco, CA 94103

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