

LIQUOR LICENSE REVIEW

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

File: 160142

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

DATE: February 22, 2016

This item is tentatively scheduled to be heard in four to six weeks.

PLEASE EMAIL YOUR RESPONSE BY: April 6, 2016, to Erica Major, Public Safety and Neighborhood Services Committee Clerk.

Erica.Major@sfgov.org - Fax No: 554-7771

Applicant Name: Surinder Singh
and Business Name: 7-Eleven Store #2366-36039A
(644 Mission Street)

Applicant Address: Ryan M. Kroll
Solomon, Saltsman & Jamieson
426 Culver Blvd
Playa del Rey, CA 90293
and Phone No. (310) 822-9848

PLANNING COMMENTS: Approval Denial

POLICE COMMENTS: Approval Denial



RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2016 FEB 16 AM 9:31

BY RMK

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.ssjlaw.com

Ryan M. Kroll

Partner
email: rkroll@ssjlaw.com

February 12, 2016

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 #2366-36039A, 644 Mission Street, San Francisco, CA
ABC File No. 20-559320

Ms. Calvillo

Please find enclosed Ms. Singh 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 644 Mission 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

RMK/dc

160147



February 9, 2016

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 #2366-36039A, 644 Mission Street, #20-559320

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 644 Mission Street. I am the franchisee for this location and have operated this location for three years.

Just recently, 7-Eleven and I applied to the Department of Alcoholic Beverage Control to transfer a Type-20 license from the Fresh & Easy Market at 5900 3rd St, Ste C-2001 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 9:00 a.m. and midnight, per an agreement with the Police Department, and 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, eggs,

magazines, cheese, toilet paper, toothpaste, diapers, chips, pasta, 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 with the Police Department, 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. For this Board's ease of reference, please find attached the September 29, 2015 letter from the Police Department to the ABC stating it will withdraw its protest to the application if the proposed conditions are accepted. Please also find attached 7-Eleven's January 26, 2016 letter confirming it has agreed to those conditions.

As no other protests to the ABC application exist, 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,

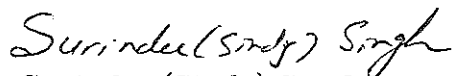

Surinder (Sindy) Singh
Franchise Owner

Exhibit 1



EDWIN M. LEE
MAYOR

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO
HEADQUARTERS
1245 3rd STREET
SAN FRANCISCO, CALIFORNIA 94158



GREGORY P. SUHR
CHIEF OF POLICE

September 29, 2015

District Administrator Justin Gebb
Department of Alcoholic Beverage Control
33 New Montgomery Street, Suite 1230
San Francisco, CA 94105

Regarding: **LETTER OF PROTEST**
7 Eleven Store #2366-36030A
644 Mission Street
20-559320

Dear Mr. Gebb:

The Department has completed its review of the above referenced application and objects to its unconditional issuance.

The Department believes that the imposition of the below listed condition(s) will improve the quality of life for the residence furthering the quiet enjoyment of their community.


See attachment.

If the applicant accepts our conditions please consider this letter as our protest removal; in the event the applicant does not accept our conditions let this letter stand as our formal protest.

Please direct your response or questions regarding this request to Insp. Nelly Gordon of the ALU, at the above address or at 415/837-7273. Thank you in advance for your assistance in this matter.

Sincerely yours,

Gregory P. Suhr
Chief of Police

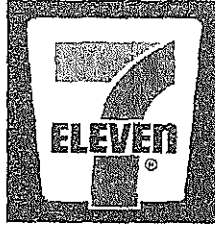
By: 
Lieutenant Dave Falzon
Officer In Charge
ABC Liaison Unit

District Serving Location: San Francisco File # 20-559320
First Owner: 7 Eleven Inc.
Name of Business 7 Eleven Store #2366-36039A
Location of Business 644 Mission Street, San Francisco Ca 94105

Conditions for Type-20-Off-Sale Beer and Wine-

1. Sales of alcoholic beverages shall be permitted only between the hours of 9:00 a.m. to 12:00 Midnight daily.
2. No more than 5% of the square footage of the premises will be used for the display of alcoholic beverages.
3. No noise shall be audible beyond the area under the control of the licensee as defined on the ABC-257, dated _____.
4. 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 _____.
5. No person under the age of 21 shall sell or deliver alcoholic beverages.
6. No malt beverage shall be sold with an alcoholic content great than 5.7% by volume.
7. The sales of beer or malt beverages in quantities of 16 oz., 20 oz., 32 oz., 40 oz., or similar size containers is prohibited.
8. No beer or malt beverages shall be sold in quantities of less than manufacturer pre-packaged six packs per sale with the exception of wine-coolers, beer coolers which must be sold in manufacturer pre-packaged multi-unit quantities of four (4) or more.
9. 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 and maintained in corked bottles.
10. Wine shall not be sold in bottles or containers smaller than 750 ml.
11. The sale, service and consumption of powdered alcohol or like non-liquid alcoholic beverage based product is prohibited.

Exhibit 2



January 26, 2016

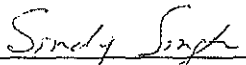
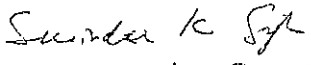
District Administrator Justin Gebb
Department of Alcoholic Beverage Control
33 New Montgomery Street, Suite 1230
San Francisco, CA 94105

Regarding: 7-Eleven Store #2366-36039A, 644 Mission Street, #20-559320

Dear Mr. Gebb:

I am in receipt of the letter with Proposed Conditions submitted by the San Francisco Police Department, as attached hereto. Please be advised that the Licensee is agreeable to the Conditions as proposed by the SFPD, and will sign a Petition for Conditional License with those Conditions in exchange for a withdrawal of the Protest by the SFPD. As such, it is respectfully requested that the Petition be prepared and provided to me for signature. Thank you.

Very truly yours,

 
Sindy Singh, Franchise Owner *LAKA SURINDER K. SINGH*

cc:
Lt. Dave Falzon
Officer in Charge
ABC Liaison Unit, SFPD
1245 Third Street
San Francisco, CA 94158