

# LIQUOR LICENSE PUBLIC CONVENIENCE OR NECESSITY REFERRAL

**TO:** Planning Department  
Phone No. (415) 558-6371

**DATE:** February 18, 2020

**TO:** Police Department  
Inspector Georgia Sawyer  
Phone No. (415) 553-9550

**AP Block/Lot Nos.:** 1834/037

**Zoning:** RH-3 40-X

**Quad:** SW Planning Team

**Record No.:** \_\_\_\_\_

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Please submit your response within three weeks; the Public Safety and Neighborhood Services Committee will tentatively schedule the PC or N hearing for a regular meeting in April of 2020.

**PLEASE EMAIL YOUR RESPONSE BY:** March 6, 2020, to John Carroll, Public Safety and Neighborhood Services Committee Clerk.

[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) - Phone No: 554-4445

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**Applicant name:** DP & DK Investments, Inc.

**Business name:** Kal's Neighborhood Market

**Application address:** 1401-19th Avenue  
San Francisco, CA 94122-3414

**Applicant contact info:** Jody Knight  
Reuben Junius & Rose, LLP  
[jknight@reubenlaw.com](mailto:jknight@reubenlaw.com)

**PLANNING REVIEW:** ☐ Approval ☐ Denial

Planning Staff Contact: \_\_\_\_\_

**Please print review comments on a trailing page.**

**POLICE REVIEW:** ☐ Approval ☐ Denial

**Please print review comments in a trailing report.**

## APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)

ABC 211 (6/99)

Mr. Michael Brewer

Consultant

(951) 698-6868

TO: Department of Alcoholic Beverage Control  
 33 NEW MONTGOMERY STREET  
 STE 1230  
 SAN FRANCISCO, CA 94105  
 (415) 356-6500

File Number: 608109  
 Receipt Number: 2586371  
 Geographical Code: 3800  
 Copies Mailed Date: July 19, 2019  
 Issued Date:

DISTRICT SERVING LOCATION: SAN FRANCISCOFirst Owner: DP & DK INVESTMENTS, INC.

Name of Business:

Location of Business: 1401 19TH AVE  
SAN FRANCISCO, CA 94122-3414

County: SAN FRANCISCOIs Premises inside city limits? Yes Census Tract: 0326.01

Mailing Address: (If different  
 from  
 premises address) 821 CORPORATE WAY  
FREMONT, CA 94539-6115

Type of license(s): 20 Dropping Partner: Yes ☐ No ☒Transferor's license/name: 427805 / TSUNAMI PANHANDLE, INC.

<u>License Type</u>	<u>Transaction Type</u>	<u>Master</u>	<u>Secondary LT And Count</u>		
20 - Off-Sale Beer And Wine	PER/PRM	Y			
<u>License Type</u>	<u>Transaction Description</u>	<u>Fee Code</u>	<u>Dup</u>	<u>Date</u>	<u>Fee</u>
Application Fee	STATE FINGERPRINTS	NA	1	07/19/19	\$39.00
Application Fee	DBL TRF: PREMISES AND PERSON	NA	0	07/19/19	\$905.00
Application Fee	FEDERAL FINGERPRINTS	NA	1	07/19/19	\$24.00
20 - Off-Sale Beer And Wine	ANNUAL FEE	NA	0	07/19/19	\$296.00
Total					\$1,264.00

Have you ever been convicted of a felony? No

Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the  
 Department pertaining to the Act? No

STATE OF CALIFORNIA County of SAN FRANCISCODate: July 19, 2019

Applicant Name(s)

DP & DK INVESTMENTS, INC.

ABC - Type 20 Recommend Approval ABC type 20 Permitted Per Conditions of Approval Under Motion No.  
 20583, to permit the sale of beer and wine (ABC license type 20, off-sale beer and wine) with motor vehicle fuel  
 (DBA Chevron) within a permitted Gas Station, Convenience Store, and Limited Restaurant (DBA Kal's), at  
 1401 19th avenue, NSR 2020K904057 Recorded 2/20/2020.

AUTHORIZATION:

3/16/20

Signature: Approved Planning Dept. Cathleen Campbell

# NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

RECORDING REQUESTED BY

And When Recorded Mail To:

Name: DP & DK Investments Inc.

Address: 821 Corporate Way

City: Fremont

State: CA

ZIP: 94539

CONFIRMED COPY of document recorded  
02/20/2020, 2020K904057

GP \_\_\_\_\_ with document no \_\_\_\_\_  
This document has not been compared with the original  
SAN FRANCISCO ASSESSOR-RECORDED

(Space Above This Line For Recorder's Use)

I (We) Parmeet Dhaliwal and Kulwinder Singh, the owner(s)  
of that certain real property situated in the City and County of San Francisco, State of California more  
particularly described as follows: (or see attached sheet marked "Exhibit A" on which property is more  
fully described):

**BEING ASSESSOR'S BLOCK: 1834; LOT: 037;**

**COMMONLY KNOWN AS: 1401 19<sup>TH</sup> AVENUE;**

hereby give notice that there are special restrictions on the use of said property under the Planning Code.

Said Restrictions consist of conditions attached to **Conditional Use Authorization No. 2019-006951CUA** authorized by the Planning Commission of the City and County of San Francisco on **December 5, 2019**, as set forth on Planning Commission Motion No. 20583, to permit the sale of beer and wine (ABC license type 20, off-sale beer and wine) with motor vehicle fuel (DBA Chevron) and authorize a previously permitted expansion of a nonconforming use and change of use from Automotive Service Station to Gas Station, Convenience Store, and Limited Restaurant (DBA Kal's), at 1401 19th avenue, lot 037 in assessor's block 1834, pursuant to Planning Code Sections 186, 187.1, 202.2, 209.1, and 303, within the RH-3 Zoning District, and a 40-X Height and Bulk District.

The restrictions and conditions of which notice is hereby given are:

## **NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE**

### **AUTHORIZATION**

This authorization is for a conditional use to permit the sale of beer and wine (ABC license type 20, off-sale beer and wine) with motor vehicle fuel (DBA Chevron) and authorize a previously permitted expansion of a nonconforming use and change of use from Automotive Service Station to Gas Station, Convenience Store, and Limited Restaurant (DBA Kal's), at 1401 19th avenue, lot 037 in assessor's block 1834, pursuant to Planning Code Sections 186, 187.1, 202.2, 209.1, and 303, within the RH-3 Zoning District, and a 40-X Height and Bulk District; in general conformance with plans, dated November 18, 2019, and stamped "EXHIBIT B" included in the docket for Record No. 2019-006951CUA and subject to conditions of approval reviewed and approved by the Commission on December 5, 2019 under Motion No. 20583. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### **RECORDATION OF CONDITIONS OF APPROVAL**

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on December 5, 2019 under Motion No. 20583.

### **PRINTING OF CONDITIONS OF APPROVAL ON PLANS**

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 20583 shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

### **SEVERABILITY**

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

### **CHANGES AND MODIFICATIONS**

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use Authorization.

# NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

## Conditions of Approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*
2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*
3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*
4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*
5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

## NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

6. **Signage.** Any signs on the property shall be made to comply with the requirements of Article 6 of the Planning Code and Formula Retail guidelines for signage.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

### **PARKING AND TRAFFIC**

- ~~7. **Bicycle Parking.** Pursuant to Planning Code Sections 155.2, the Project shall provide no fewer than two Class 1 and two Class 2 bicycle parking spaces. SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the project sponsor shall contact the SFMTA Bike Parking Program at [bikeparking@sfmta.com](mailto:bikeparking@sfmta.com) to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code.~~

~~*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*~~

### **MONITORING - AFTER ENTITLEMENT**

87. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

98. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

## NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

### OPERATION

**1492. Conditions for Establishments that Sell Beer or Wine with Motor Vehicle Fuel.** Planning Code Section 202.2 establishes additional conditions applicable to establishments with the concurrent sale of motor vehicle fuel and beer or wine, which include:

- i. No beer or wine shall be displayed within five feet of the cash register or the front door unless it is in a permanently affixed cooler;
- ii. No advertisement of alcoholic beverages, including beer and wine, shall be displayed at motor fuel islands;
- iii. No sale of beer or wine shall be made from a drive-in window;
- iv. No display or sale of beer or wine shall be made from an ice tub;
- v. No self-illuminated advertising for beer or wine shall be located on buildings or windows;
- vi. Employees on duty between the hours of 10:00 p.m. and 2:00 a.m. who sell beer or wine shall be at least 21 years of age;
- vii. No alcoholic beverages, other than beer and wine, shall be sold at any time;
- viii. No beer or wine shall be sold for consumption on the premises;
- ix. The permittee shall comply with all State statutes, rules, and regulations relating to the sale, purchase, display, possession, and consumption of alcoholic beverages;
- x. The permittee shall comply with all local statutes, rules, and regulations;
- xi. The permittee shall not operate the establishment in a manner that presents a nuisance, as defined in California Civil Code Sections 3479 and 3480; and
- xii. The City may impose sanctions, including suspension or revocation of the Conditional Use authorization, for violation of any of the terms or conditions of the Conditional Use authorization.

**1410. Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*

## NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

**1211. Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator and all registered neighborhood groups for the area with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator and registered neighborhood groups shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*

## NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

The use of said property contrary to these special restrictions shall constitute a violation of the Planning Code, and no release, modification or elimination of these restrictions shall be valid unless notice thereof is recorded on the Land Records by the Zoning Administrator of the City and County of San Francisco; except that in the event that the zoning standards above are modified so as to be less restrictive and the uses therein restricted are thereby permitted and in conformity with the provisions of the Planning Code, this document would no longer be in effect and would be null and void.

[Signature] Parmmeet Dhalwal  
(Signature) (Printed Name)  
Dated: 02/13, 2020 at San Francisco, California.  
(Month, Day) (City)

[Signature] KULWINDER SINGH  
(Signature) (Printed Name)  
Dated: 2/11, 2020 at Pleasanton, California.  
(Month, Day) (City)

\_\_\_\_\_  
(Signature) (Printed Name)  
Dated: \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_, California.  
(Month, Day) (City)

Each signature must be acknowledged by a notary public before recordation; add Notary Public Certification(s) and Official Notarial Seal(s).

See Attached California  
All Purpose Acknowledgement

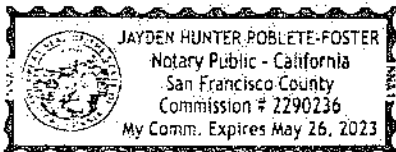
**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT****CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )

County of San Francisco )On 02/13/2020 before me, Jayden Hunter Poblete-Foster, Notary  
Date Here Insert Name and Title of the Officerpersonally appeared PARNIEET DHALIWAH  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: \_\_\_\_\_

Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

☐ Corporate Officer — Title(s): \_\_\_\_\_☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

☐ Corporate Officer — Title(s): \_\_\_\_\_☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

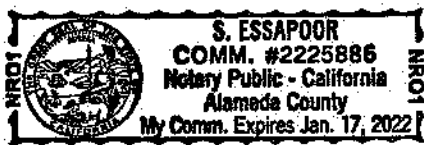
State of California )

County of Alameda )On 2-11-2020 before me, S. ESSAPOOR, Notary Public  
Date Here Insert Name and Title of the Officerpersonally appeared Kulwinder Singh  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature]  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_ Document Date: \_\_\_\_\_

Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

☐ Corporate Officer — Title(s): \_\_\_\_\_☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

☐ Corporate Officer — Title(s): \_\_\_\_\_☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

## EXHIBIT A

Order No.: FLNP-10034747

For APN/Parcel ID(s): Lot 037, Block 1834

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THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN FRANCISCO, COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

**PARCEL A:**

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHERLY LINE OF JUDAH STREET WITH THE WESTERLY LINE OF 19TH AVENUE, AS WIDENED; RUNNING THENCE WESTERLY ALONG SAID LINE OF JUDAH STREET 96.364 FEET TO A POINT DISTANT THEREON 125 FEET EASTERLY FROM THE EASTERLY LINE OF 20TH AVENUE; THENCE AT A RIGHT ANGLE SOUTHERLY 76 FEET; THENCE AT A RIGHT ANGLE WESTERLY 5 FEET; THENCE AT A RIGHT ANGLE SOUTHERLY 25 FEET; THENCE AT A RIGHT ANGLE EASTERLY 25 FEET; THENCE AT A RIGHT ANGLE NORTHERLY 25 FEET; THENCE AT A RIGHT ANGLE EASTERLY 78.858 FEET TO THE SAID WESTERLY LINE OF 19TH AVENUE; THENCE NORTHERLY ALONG SAID LINE OF 19TH AVENUE 76.041 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF OUTSIDE LAND BLOCK NO. 750.

**PARCEL B:**

BEGINNING AT A POINT ON THE WESTERLY LINE OF 19TH AVENUE, AS WIDENED, WHICH POINT IS PERPENDICULARLY DISTANT 76 FEET SOUTHERLY FROM THE SOUTHERLY LINE OF JUDAH STREET, PRODUCED EASTERLY; RUNNING THENCE SOUTHERLY ALONG SAID LINE OF 19TH AVENUE 25.014 FEET TO A POINT PERPENDICULARLY DISTANT 101 FEET SOUTHERLY FROM THE SOUTHERLY LINE OF JUDAH STREET PRODUCED EASTERLY; THENCE WESTERLY PARALLEL WITH THE SOUTHERLY LINE OF JUDAH STREET 79.678 FEET TO A POINT PERPENDICULARLY DISTANT 145 FEET EASTERLY FROM THE EASTERLY LINE OF 20TH AVENUE; THENCE AT A RIGHT ANGLE NORTHERLY AND PARALLEL WITH SAID LINE OF 20TH AVENUE 25 FEET; THENCE AT A RIGHT ANGLE EASTERLY 78.858 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF OUTSIDE LAND BLOCK NO. 750.