File No. 120466

Committee Item No. 3
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: City Operations **Date** 6/25/12

Board of Supervisors Meeting **Date** _____

Cmte	Board	
☐	☐	Motion
☐	☐	Resolution
☐	☐	Ordinance
☐	☐	Legislative Digest
☐	☐	Budget Analyst Report
☐	☐	Legislative Analyst Report
☐	☐	Youth Commission Report
☐	☐	Introduction Form (for hearings)
☒	☐	Department/Agency Cover Letter and/or Report
☐	☐	MOU
☐	☐	Grant Information Form
☐	☐	Grant Budget
☐	☐	Subcontract Budget
☐	☐	Contract/Agreement
☐	☐	Award Letter
☒	☐	Application
☐	☐	Public Correspondence

OTHER **(Use back side if additional space is needed)**

☐	☐	
☐	☐	
☐	☐	
☐	☐	
☐	☐	

Completed by: Derek Evans **Date** 6/21/12
Completed by: _____ **Date** _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

BOS-11
City Op Clerk

260 CALIFORNIA STREET, SUITE 1001 SAN FRANCISCO, CA 94111 TEL: 415.362.1215 FAX: 415.362.1494

HINMAN & CARMICHAEL LLP

May 4, 2012

File # 120466

By Hand Delivery

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 MAY -4 PM 3:27
BY MP

Angela Calvillo
Clerk of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, California 94102

Re: Request for Resolution of Public Convenience or Necessity
Target Corporation, dba CityTarget
101 4th Street, San Francisco 94103

Dear Ms. Calvillo,

Target Corporation ("Target") has applied to the Department of Alcoholic Beverage Control for a Type 20 Off-Sale Beer and Wine license at the new CityTarget store, opening in the San Francisco Metreon Centre later this year. Because the new store is located in a census tract that has an "undue concentration" of off-sale licenses under Section 23958.4 of the Business and Professions Code, Target is requesting a determination by the Board of Supervisors that public convenience or necessity will be served by issuance of the license.

Target has applied for a person-to-person, premises-to-premises transfer of an existing Type 20 license to its new store location in the San Francisco Metreon Centre at the corner of Fourth Street and Mission Street. The new 100,000 square-foot store will occupy the entire second floor of the Metreon and will employ approximately 250 team members. The store hours will be 8:00 a.m. to 11 p.m. Monday – Friday and 8:00 a.m. to 10 p.m. Sunday, with extended store hours during the holiday season.

The new store will be one of the first CityTargets in California. The new-format CityTarget stores are smaller in size than a traditional Target store and designed specifically to meet the needs of urban residents and visitors. The San Francisco CityTarget, centrally located in downtown San Francisco, will provide commuters, tourists and nearby residents the convenience of one-stop shopping for urban living essentials.

A significant component of CityTarget will be its grocery section. CityTarget will offer a full-range of grocery products, including fresh meats, fresh vegetables and produce and fresh bakery items, along with a selection of dry goods. Along with its grocery offerings, Target would like to be able to offer customers the ability to purchase beer and wine. Adding beer and wine to its grocery offerings will provide downtown residents (as well as commuters doing their home shopping downtown) with a convenient, one stop-destination for grocery and beverage purchases.

For these reasons, we respectfully request that the Board of Supervisors make a finding that licensing CityTarget with a Type 20 off-sale beer and wine license will serve public convenience or necessity. If you have any questions about CityTarget's proposed operations, please do not hesitate to call me.

Sincerely,

Beth Aboulafia

Beth Aboulafia

San Francisco Police Department
ABC Liaison Unit

Alcoholic Beverage License -
Public Convenience and Necessity Recommendation

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

Supervisor Sean Elsbernd
Supervisor Carmen Chu
Supervisor Christina Olague

From: Inspector Julie Lazar
ABC Liaison Unit (ALU) 553-1049

Date: June 20, 2012

Subject: P.C.N. Investigation Regarding: Target Corporation
DBA: City Target
101 Forth Street
Beth Aboulafia
(415)362-1215

Beth Aboulafia, on behalf of Target Corporation, has filed an application with the California Department of Alcoholic Beverage Control seeking a Type 20 (Off-Sale Beer and Wine-Store) license for 101 Fourth Street, located next to the northeast corner of Mission Street and Forth Street. City Target will be inside the Metreon, San Francisco, a commercial space with numerous retail establishments and eateries.

It should be noted that during the application process, notification date for the 500' mailer was on May 10, 2011. The Notice to the Public was posted on May 9, 2011.

For the purposes of this hearing, the California Department of Alcoholic Beverage Control (ABC) seeks a determination from the Board of Supervisors as to the approval or denial of this license.

Police Calls for Service: From July 2010 to January 2011

101 Police calls

Police Reports: From July 2010 to January 2011

14 Reports

San Francisco Plot Information:

This premise is located in Plot **224**

The High Crime area is defined as 215 or more police reports in a plot.

This plot had **480** police reports recorded for 2010. This is **over** the High Crime area definition by **265** police reports.

Applicant premises **is** located in a "High Crime" area.

State Census Tract Information:

This premise is located in Census Tract **176.02**

Population for this tract is: **534**

On-sale license authorized by census tract: **2**
Active on-sale licenses: **71**

Off-sale licenses authorized by census tract: **1**
Active off-sale licenses: **7**

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

Letters of Protest:

Three (3) letters of protest were received by the California Department of Alcoholic Beverage Control, (ABC).

Letters of Support:

No record with the California Department of Alcoholic Beverage Control, (ABC).

Departmental Recommendation:

No opposition from **Southern Station**

ALU recommends approval. The following conditions have been recommended to the California Department of Alcoholic Beverage Control, (ABC):

1. Sales and service of alcoholic beverages shall be permitted between the hours of 10:00 am and 10:00 pm 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 depicted on the ABC-257.

4. No malt beverage shall be sold with an alcoholic content great than 5.7% by volume.

5. The sales of beer or malt beverages in quantities of 16 oz., 22 oz., 32 oz., 40 oz., or similar size containers are prohibited.

6. 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.

7. 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 corked bottles.

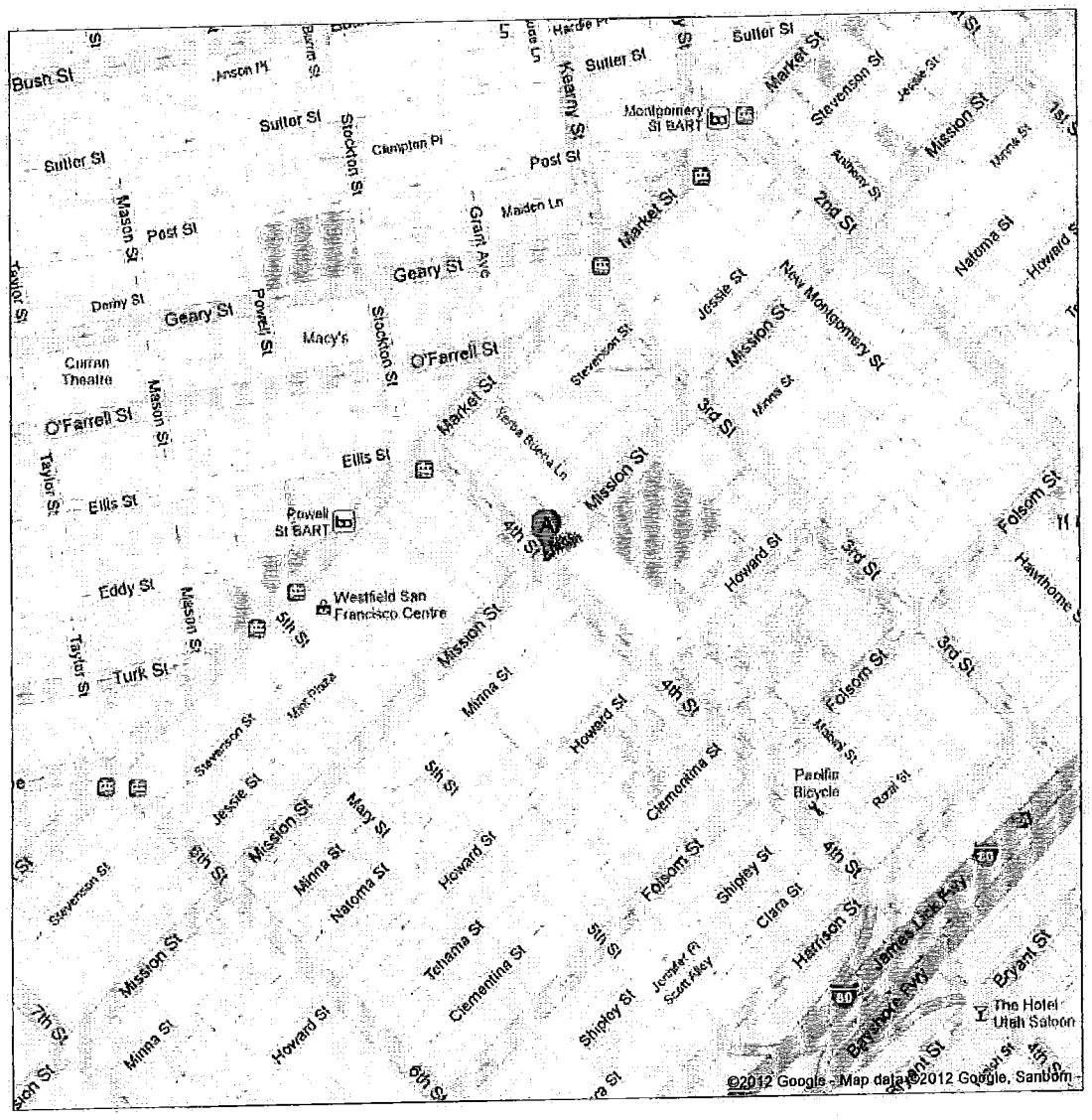
8. Wine shall not be sold in bottles or containers smaller than 750 ml.

Thank you

Google

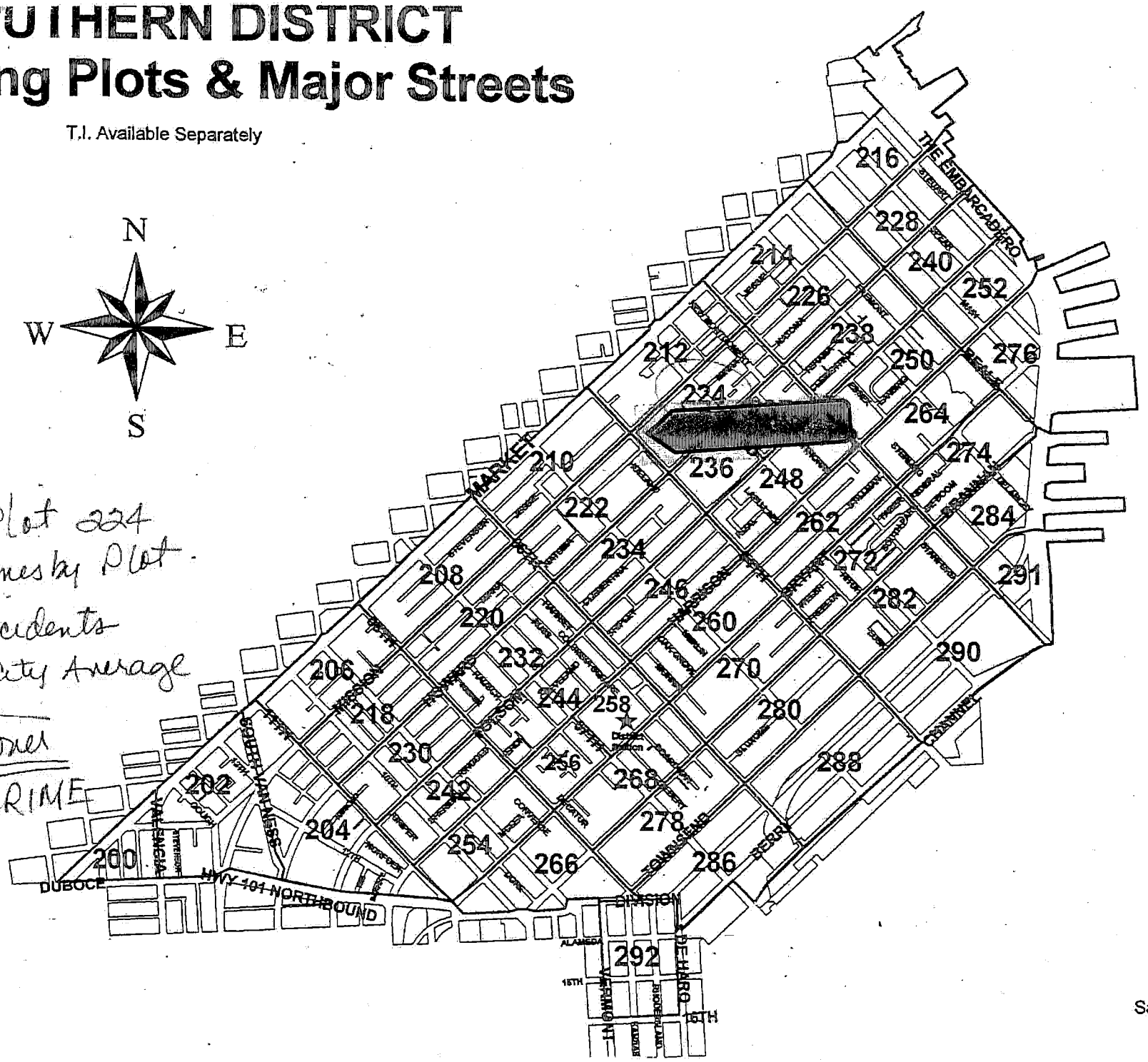
Address **101 4th St**
San Francisco, CA 94103

City Target
20-510439



OUTHERN DISTRICT
orting Plots & Major Streets

T.I. Available Separately



Police Plot 224
2010 Crimes by Plot.
480 Incidents
215 - City Average

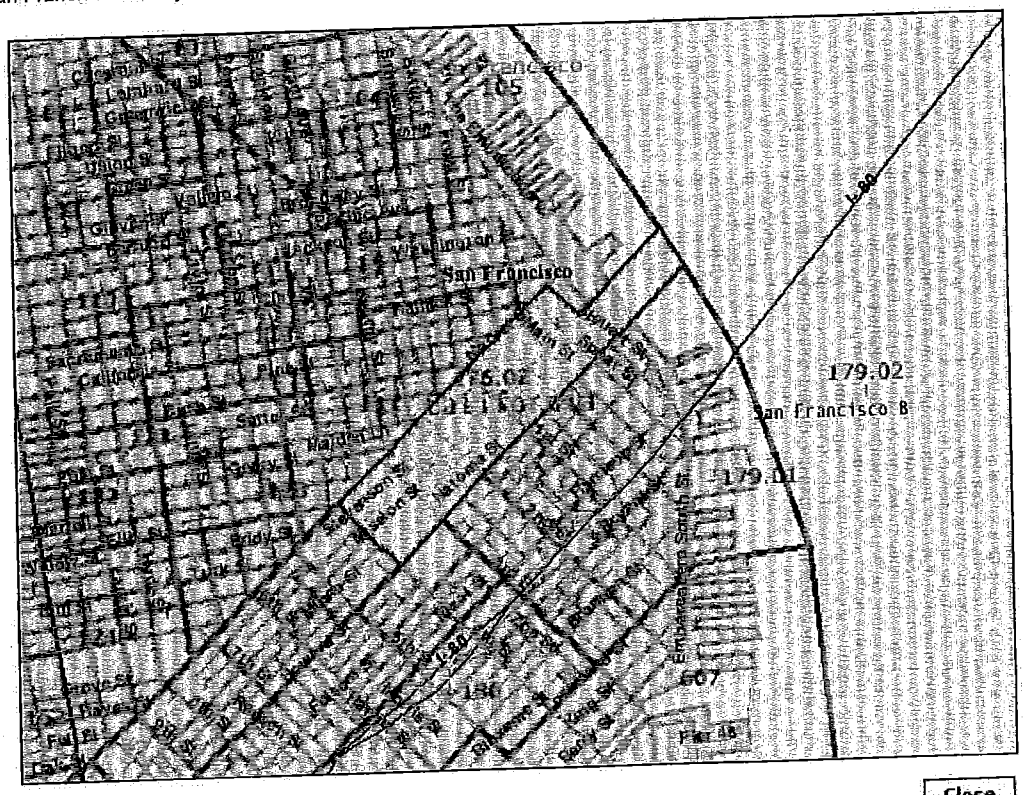
265 over
HIGH CRIME

San Francis
A

Census Tract 176.02, San Francisco County, California

Boundaries
- State
- '00 County
- '00 Census Tract
- '00 Block Group
- '00 Block
- '00 Place
- '00 Place
- '00 Urban Area
- '00 Urban Area

Features
- Major Road
- Street
- Stream/Waterbody
- Stream/Waterbody



2.8 miles across

Close

export To New!

Call No	Report No	Received Date	Received Time	Priority	Call Type	Unit ID	Disposition	Location
110253205		01/25/2011	19:26:09	C	601			101 4TH ST
110112050		01/11/2011	15:25:15	B	601	9B10	HAN	101 4TH ST
110092966		01/09/2011	20:33:25	B	910		CANC	101 4TH ST
110082564	110024716	01/08/2011	18:47:39	B	806	3B1D	REP	101 4TH ST
110073550		01/07/2011	22:50:58	B	905	3B11D	NOM	101 4TH ST
110053219		01/05/2011	19:41:45	I	000			101 4TH ST
110022188		01/02/2011	18:11:37	C	800			101 4TH ST
110013268		01/01/2011	19:53:13	C	488			101 4TH ST
103641295		12/30/2010	11:35:17	C	000			101 4TH ST
103640194		12/30/2010	01:24:33	A	910	3B12E	HAN	101 4TH ST
103623152		12/28/2010	21:53:43	C	000			101 4TH ST
103622978		12/28/2010	20:54:19	B	601	3B53D	HAN	101 4TH ST
103622845		12/28/2010	20:07:55	C	7F	9B10	HAN	101 4TH ST
103622835		12/28/2010	20:02:50	C	7F	9A10	HAN	101 4TH ST
103600621		12/26/2010	08:51:37	C	903	9B10	HAN	101 4TH ST
103582789		12/24/2010	21:53:40	C	488	3B1D	HAN	101 4TH ST
103582780		12/24/2010	21:51:10	C	488			101 4TH ST
103582692		12/24/2010	21:21:25	C	488			101 4TH ST
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103533083		12/19/2010	21:00:56	A	240	3B1D	HAN	101 4TH ST
103531656		12/19/2010	13:36:07	C	601	3B1C	HAN	101 4TH ST
103522456		12/18/2010	17:37:08	C	7F	9B10	HAN	101 4TH ST
103521431		12/18/2010	12:26:07	C	7F	9B10	HAN	101 4TH ST
103521425		12/18/2010	12:23:47	C	7F	9B10	HAN	101 4TH

24

								ST
103520502		12/18/2010	03:54:10	B	913		DUP	101 4TH ST
103520496		12/18/2010	03:52:24	B	601	3B13E	HAN	101 4TH ST
103501647		12/16/2010	13:10:16	C	903	9B10	CANC	101 4TH ST
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103462353	101143737	12/12/2010	17:13:01	B	418	9B10	ARR	101 4TH ST
103451235		12/11/2010	11:02:08	B	913	3B3A	HAN	101 4TH ST
103451230		12/11/2010	11:02:07	B	913			101 4TH ST
103451225		12/11/2010	11:00:51	C	800			101 4TH ST
103451223		12/11/2010	11:00:01	C	800			101 4TH ST
103451220		12/11/2010	10:58:09	C	800			101 4TH ST
103451214		12/11/2010	10:56:39	C	000			101 4TH ST
103431730		12/09/2010	13:45:27	A	261	3B2A	NOM	101 4TH ST
103361343		12/02/2010	11:32:51	C	915	9B10	HAN	101 4TH ST
103311553		11/27/2010	13:48:56	C	917	9B10	HAN	101 4TH ST
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103142783		11/10/2010	17:15:23	C	903	9B10	HAN	101 4TH ST
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102991971		10/26/2010	14:14:40	C	10-22			101 4TH ST

25

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102623169	100870284	09/19/2010	19:22:58	B	405	3B11D	CIT	101 4TH ST
102552609		09/12/2010	17:18:24	B	405	3B13D	CANC	101 4TH ST
102552594	100845243	09/12/2010	17:16:42	B	405	3B13D	ARR	101 4TH ST
102532158	100837751	09/10/2010	14:16:24	C	470	9B10	REP	101 4TH ST
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102520198		09/09/2010	01:39:42	B	100		CANC	101 4TH ST
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102491324		09/06/2010	11:33:50	B	418	3B	HAN	101 4TH ST
102482771		09/05/2010	19:02:53	C	915	9B10	UTL	101 4TH ST
102473932		09/04/2010	22:53:13	B	405	3B11D	HAN	101 4TH ST
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102432767	100802914	08/31/2010	16:58:25	C	ARR	3B43C	ARR	101 4TH

20

								ST
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102421300		08/30/2010	11:00:38	C	000			101 4TH ST
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102223358		08/10/2010	19:48:38	B	405	3B200	CAN	101 4TH ST
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102172563	100715840	08/05/2010	16:35:27	B	213	3X143	REP	101 4TH ST
102162252		08/04/2010	14:35:24	C	601	9B10	HAN	101 4TH ST

25

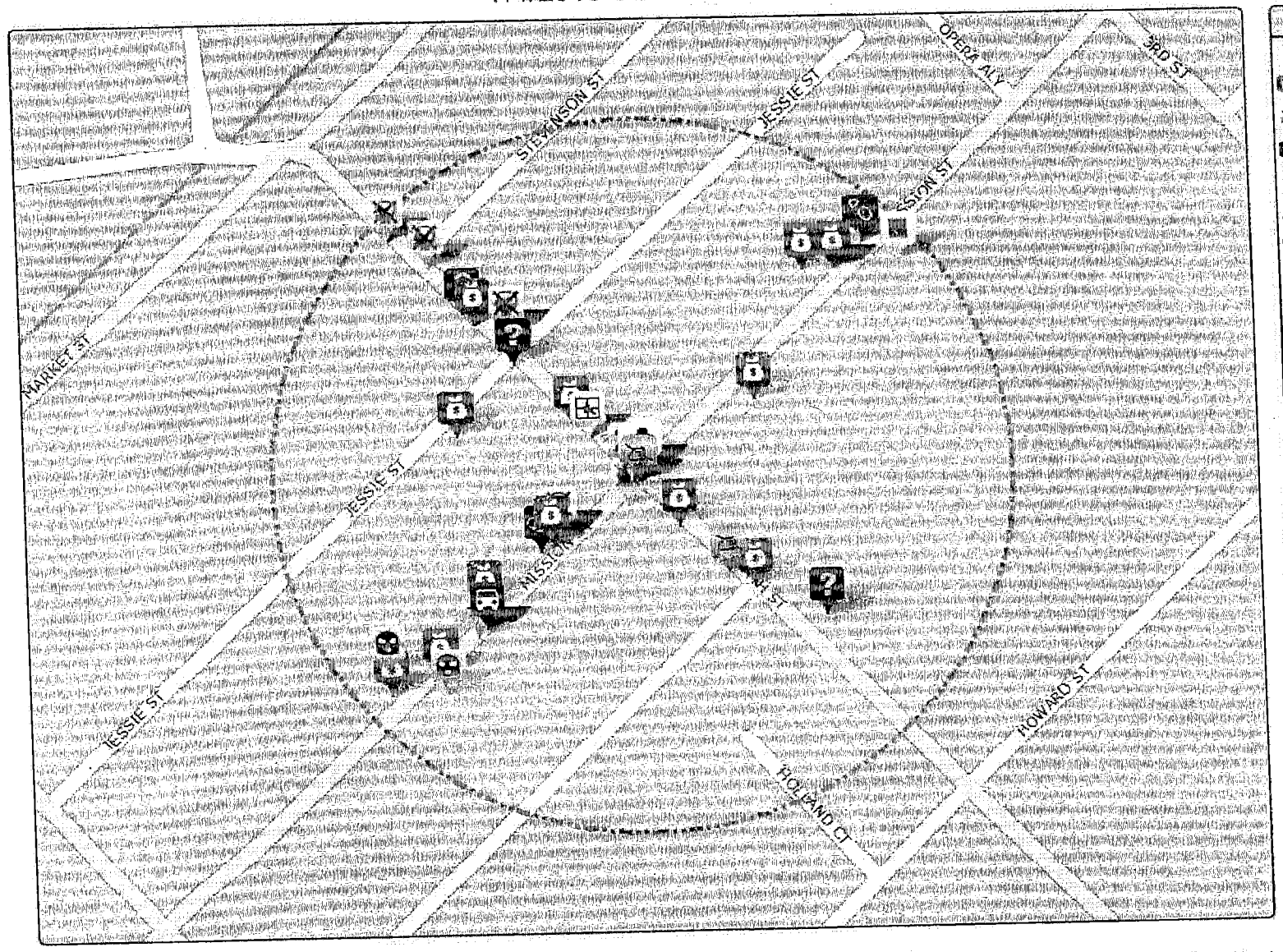
Call No	Report No	Received Date	Received Time	Priority	Call Type	Unit ID	Disposition	Location
102091630		07/28/2010	12:28:12	A	800	3B1A	HAN	101 4TH ST

End of document

101-4th Street 500' radius

7/1/2010-01/31/2011

San Francisco Police Department



Map Legend

Incidents (287)

- Larceny/Theft (86)
- Non-Criminal (44)
- Fraud (25)
- Other Offenses (22)
- Assault (15)
- Warrants (15)
- Warrants (14)
- Trespassing (10)
- Suspicious Occurrence (10)
- Vandalism (9)
- Robbery (8)
- Missing Person (7)
- Drunkenness (5)
- Burglary (4)
- Drug/Narcotic (3)
- Vehicle Theft (3)
- Forgery/Counterfeiting (2)
- Recovered Vehicle (2)
- Liquor Laws (1)
- Secondary Codes (1)
- Disorderly Conduct (1)

All representations on this map are distributed and transmitted "AS IS" without warranties of any kind, either expressed or implied including without limitation, warranties of title or implied warranties of merchantability or fitness for a particular purpose. In no event shall San Francisco Police Department become liable to users of these data for any loss or damages, consequential or otherwise, including but not limited to time, money, goodwill, arising from the use, operation or modification of the data. The visual presentation of data is being provided strictly as a courtesy, not as an obligation to its users.

WARNING: This map does not meet the national map accuracy standards.

CrimeView Server
Printed: 6/20/2012 10:32:41 AM

RECEIVED
JUN 07 2011
Dept of Alcoholic Beverage Control
San Francisco

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:

TARGET T2766 STORE
(Name(s) of Applicant(s))

For premises at:

101 4th ST 2ND FLOOR SF CA 94103
(Exact address of proposed premises)

CONCERNS -

on the grounds that:

CONSIDERATION POINTS UNDER B&P CODE § 23789 WITHIN 1000'
- CHILDREN'S DEVELOPMENT CENTER - MOSCONE ROOF 4th & FOLSOM
- CHILDREN'S CAROUSEL - MOSCONE ROOF - 4th & HOWARD
- CHILDREN'S PLAY CIRCLE - CENTER - MOSCONE ROOF - HOWARD
- ICE SKATING CENTER - FOLSOM ST - MOSCONE ROOF
- BOWLING CENTER - MOSCONE ROOF - 4th & FOLSOM.
- SF. PARK CODE FOR YERBA BUENA GARDENS - PROHIBITING ALCOHOL BEVERAGES.
- HIGH CRIME UNDER B&P CODE § 23958.4(c)
- OVER CONCENTRATION § 23958.4

BECAUSE OF THE ABOVE CONCERNS THE FOLLOWING CONDITIONS MUST BE APPLIED. SEE P. 2

☒ Check here if additional sheets attached

I, MARVIS J. PHILLIPS, declare under penalty of perjury:
PRINT (Name of Protestant) PUBLIC SAFETY CHAIR - ALLIANCE FOR A BETTER DIST 6.

(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	PROTESTANT'S TELEPHONE NUMBER (Optional)
Marvis J. Phillips	(415) 674-1935
SIGNED AT (City and state)	DATE SIGNED
SAN FRANCISCO, CALIFORNIA	31 MAY 2011 1740 HRS

PROTESTANT'S ADDRESS (Street number and name, city, state, zip code)
230 EDDY ST #1206, SAN FRANCISCO, CA 94102-6526

ABC-510-A (10/07) CC: SFPD - ALCOHOL PERMIT SECTION
CC SFPD - SOUTHERN STATION - ALCOHOL PERMIT OFFICER

CC: SFPD - SOUTHERN STATION - ALCOHOL PERMIT OFFICER

Protest Against Alcoholic Beverage License Application (Page 2 of 4 pages)

Applicant: Target T2766 Store AKA Target Corporation
Applicant Address: 191-4th Street, San Francisco, CA 94103

Protestant: Michael Nulty, P.O. Box 420846, San Francisco, CA 94142-0846

After surveying the area around the new Target store and talking with both security, nearby residents and merchants about the effects a large chain store would have in retailing any forms of liquor to the public in the manner of a off-sale license.

Nearby merchants express the lower price point the a large retailer can sell their liquor at which would take away customers of already existing smaller established community serving stores. Local residents have the same concerns that a retailer such as Target can offer lower priced liquor which nearby already established licensed stored would have a hard time competing against. There is a strong support of local retailers to stay in business and to maintain their existing stores and customer base. We do want to see more smaller stores closing because of their lose of revenue.

The main concern residents and security have is enforcing and protecting the already established San Francisco Park Code for Yerba Buena Gardens (a copy of rules are attached as page 3). This code specially mentions smoking and alcoholic beverages which are intended to be sold by Target. Additional concerns by security is the drain on public resources in dealing with shoplifters. The San Francisco Police Department continues to shrink in the number of officers. And San Francisco continues to increase in population bringing more security tasks to perform with fewer police officers.

The next concern is Yerba Buena Gardens itself. Open Space with the following consideration points Ice Skating Center, Play Circle, Bowling Center, Child Development Center, and Carousel; several adjacent parking garages and facilities; and St. Patrick's Church. (a copy of map are attached as page 4)

Issuance of the license to the premises would add an undue concentration of licenses; licensing the premises aggravates an already existing police problems in a high-crime area; and the premises is within 500 feet of open space.

I do not know what the security plan for the new store is nor do I know which exists will be used by the public.

Because of the above concerns the following conditions must be applied.

Employees of the establishment shall walk a 100 feet radius from the premises sometime between 30 minutes after closing time and 8AM the following morning and shall pick up and dispose of any discarded beverage containers and other trash left by patrons.

The establishment shall provide outside lighting in a manner sufficient to illuminate street and adjacent sidewalk areas and parking as appropriate to maintain security.

No alcoholic beverages shall be consumed on any outdoor property adjacent to the establishment.

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

Employees of the establishment shall regularly police the area under the control of the establishment in an effort to prevent the loitering of persons about the premises.

The establishment shall promptly remove any graffiti from the exterior of the premises.

Proper signage at all exists informing patrons of the San Francisco Park Code for Yerba Buena Gardens.

Sales of Alcohol only permitted between the hours of 8AM to 10PM 7 days a week.

No fortified wines can be sold.

No malt liquor bottles or cans.

Sell single containers of alcoholic beverage in clear plastic carry-out bags.

Beer & Wine must be sold in manufactured pre-packed multi-unit quantities only.

RECEIVED
JUN 07 2011
Dept of Alcoholic Beverage Control
San Francisco

Welcome To Yerba Buena Gardens

Open Sunrise to 10 PM

In order to keep the Gardens enjoyable for everyone, the following uses are not allowed:

Smoking
Littering
Swimming, Wading or Bathing
Climbing
Alcoholic Beverages
Animals (Except Service & Companion Animals)
Feeding of birds and animals
Riding Bicycles
Flying Kites
Team Sports
No wheeled conveyances including:
Skateboard, Roller Skates, Roller Blades and Carts.

San Francisco Park Code is Enforced in the Gardens

Page 2

LIQUOR LICENSE REVIEW

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

File: 120466
Block/lot: 3723/115
Zoning: C-3-S
Quad: NE
mB #1201079

TO: Inspector Kenneth Stocker
Police Department
Fax No.: 553-1463

DATE: May 15, 2012

This item is scheduled to be heard at a meeting on June 25, 2012. **PLEASE EMAIL YOUR RESPONSE BY:** June 21, 2012, to Gail Johnson, Clerk, City Operations and Neighborhood Services Committee.
Gail.Johnson@sfgov.org - Fax No: 554-7714

Applicant Name: Beth Aboulafia
and Business Name: City Target /101 - 4th Street
Applicant Address: Hinman & Carmichael LLP
260 California Street, Suite 1001
San Francisco, CA 94111
and Phone No. (415) 362-1215

PLANNING COMMENTS: ☑ **Approval** ☐ **Denial**

Type 20 liquor license.
Permitted per Section 218(b) Planning Code
Jamie Gamble 6/8/12

POLICE COMMENTS: ☐ **Approval** ☐ **Denial**