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Committee Item	No <u>. 1</u>	
Board Item No	14	

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: City Operations and Neighbor	orhood Ser. Date: April 25, 2011	
Board of Supervisors Meeting	Date 5/3/2011	
Cmte Board		-
☐ Motion		
Resolution		٠,٠
Ordinance		
Legislative Digest		
Budget and Legislative Rep	port	
Ethics Form 126		
Introduction Form (for hear	• /	•
Department/Agency Cover	Letter and/or Report	
MOU		
Grant Information Form		
Grant Budget		
Subcontract Budget		
Contract/Agreement		
Award Letter		
Application		
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OTHER (Use back side if additiona) X PCN Request	ıl space is needed)	
Completed by: Victor Young	Date: _April 21, 2011 Date:4/27/2011	
Completed by: Victor Young	Date. 1/4 //2011	

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

Resolution determining that the transfer of

[Liquor License Transfer – 3132 Clement Street]

Resolution determining that the transfer of a Type 20 off-sale beer and wine license from 612 Kearny Street to 3132 Clement Street (District 1), to Garfield Beach CVS LLC, dba CVS Pharmacy, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

WHEREAS, Garfield Beach CVS LLC is seeking the transfer of a Type 20 off-sale beer and wine license from 612 Kearny Street to 3132 Clement Street for CVS Pharmacy; and,

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

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

RESOLVED, That in accordance with Section 23958.4 of the California Business and Professions Code, the Board of Supervisors of the City and County of San Francisco hereby determines for the foregoing reasons that the transfer of a Type 20 off-sale beer and wine license to Garfield Beach CVS LLC, for CVS Pharmacy, will serve the public convenience or necessity of the people of the City and County of San Francisco.

Conditions: (1) Sales of alcoholic beverages shall be permitted only between the hours of 10:00 a.m. to 10:00 p.m. 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

24

25

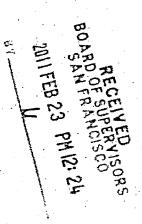
audible beyond the area under the control of the licensee. (4) The petitioner shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control. (5) The exterior of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the premises. Additionally, the position of such lighting shall not disturb the normal privacy and use of any neighboring residences. (6) Loitering (loitering is defined as "to stand idly about; linger aimlessly without lawful business") is prohibited on the parking lot, sidewalks or property adjacent to the licensed premises under the control of the licensee as depicted on ABC-257. (7) No person under the age of 21 shall sell or deliver alcoholic beverages. (8) No malt beverage shall be sold with an alcoholic content greater than 5.7% by volume. (9) The sale of beer or malt beverages in quantities of 16 oz., 22 oz., 32 oz., 40 oz., or similar size containers is prohibited. (10) No beer or malt beverages shall be sold in quantities of less than manufacturer pre-packaged six (6) packs per sale with the exception of wine-coolers and beer coolers, which must be sold in manufacturer pre-packaged multi-unit quantities of four (4) or more. (11) No wine shall be sold with an alcoholic content of great than 15% by volume except for "Dinner Wines" which have been aged two years or more and maintained in corded bottles. (12) Wine shall not be sold in bottles or containers smaller than 750 ml. (13) The licensee shall maintain a digital electronic surveillance system in the area where alcoholic beverages are on display. Said data shall be maintained for a period of no less than 30 days and made available to law enforcement upon request.

REUBEN & JUNIUS ...

February 23, 2011

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

Fil # 110200



Re: Liquor License "PCN" Request – 3132 Clement Street – CVS Pharmacy
Our File No.: 6483.07B

Dear Ms. Calvillo:

Our office represents LandMark Retail Group ("Landmark"), the project sponsor of a proposed new CVS Pharmacy and convenience goods store located at 3132 Clement Street (the "Project"). On December 2, 2010, the San Francisco Planning Commission approved the Project. The approval permits the new CVS Pharmacy to operate between the hours of 7 a.m. to 10 p.m. daily.

CVS now seeks a type-20 off-sale beer and wine license from the California Department of Alcohol Beverage Control ("ABC"). LandMark has filed an application with ABC on behalf of CVS for a license transfer (License No. 508036). The license would be transferred from David's Food Store, located at 612 Kearny Street to the CVS Pharmacy at 3132 Clement Street. Due to the overconcentration of this type of ABC license in the census tract where the CVS Pharmacy will be located, CVS must obtain a determination by the Board of Supervisors that the public convenience and necessity will be served by the issuance of this license for operations at 3132 Clement Street.

The Project will establish a CVS Pharmacy at 3132 Clement Street in a building that was constructed in 2002 to house a full-service grocery store which included alcohol sales. An Albertsons Supermarket operated at the site up until 2006, but the site has sat vacant since. The CVS Pharmacy would occupy approximately 14,271 square feet at the southern end of the existing building. The exterior of the building and parking lot will be cleaned, repaired and repainted. The CVS Pharmacy would sell prescription drugs, over-the-counter drugs, beauty products and cosmetics, photo finishing, seasonal merchandise, greeting cards, and groceries (such as milk, bread and eggs), essentially replacing much of the goods and services that were once at this location when operated by the Albertsons Supermarket.

The Project will occupy and clean up a large building that has sat vacant for five years. The CVS Pharmacy will offer a wide variety of prescription drugs, groceries, and other

One Bush Street, Suite 600 San Francisco, CA 94104

Ms. Angela Calvillo February 23, 2011 Page 2

convenience goods in an area of the Richmond that is not well served by retail businesses. Adding beer and wine to the offerings of this CVS Pharmacy would serve the public convenience and necessity of the neighborhood by increasing the variety of goods offered at this store, which is located in an area that currently has a limited number of similar retailers. Area residents will have a new store that will be a convenient, safe and secure "one-stop" shopping experience for goods needed on a daily basis.

Adding beer and wine to the offerings of this CVS Pharmacy would serve the public convenience and necessity of the city of San Francisco by establishing a beer and wine retailer that has vast experience with the sale of alcohol and is a responsible retailer with an effective training and corporate-wide management policy for controlling the sale of beer and wine. CVS's employee training program, approved by the ABC, must be completed by all employees within 14 days of their hire and before they are permitted to operate the registers. CVS has a zero-tolerance policy – any employee knowingly or recklessly selling any age restricted product to a minor or to an adult purchasing product for a minor is subject to disciplinary action up to termination. Security cameras are equipped throughout the store and particularly in the area of beer and wine sales which are monitored by store management, regional loss prevention, CVS corporate, and can be made available to the police department upon request. All checkouts are equipped with electronic scan diction systems to control the sale of age restricted products and prompt cashiers to require proper identification before a sale is completed. CVS will continue to work with the San Francisco Police Department to ensure safe and responsible sale of beer and wine at this and all locations throughout the City.

For the reasons outlined above, I respectfully request that this letter be forwarded to the City Operations and Neighborhood Services Committee of the Board and that the Committee and the full Board of Supervisors make a determination under California Business & Professions Code §23958.4 that the public need or convenience would be served by the issuance of a type-20 off-sale beer and wine license to this CVS Pharmacy.

Please contact me with any questions you have.

Very truly yours,

REUBEN & JUNIUS, LLP

John Kevlin

Encl.

One Bush Street, Suite 600 San Francisco, CA 94104

tel: 415-567-9000 fax: 415-399-9480

INFORMATION AND INSTRUCTIONS -

SECTION 23958.4 B&P

Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.

- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
- Part 2 is to be completed by the applicant, and returned to ABC.
- Part 3 is to be completed by the local governing body or its designated subordine te officer or body, and returned to ABC.

PART 1 - TO BE COMPLETED BY	'ABC			
1. APPLICANTS NAME	5 11 5	01/0 / 10		
Gart	ield Beach	CVS LLC		
	enue & Clement	St., San Francisco,	3. LICENSE TYPE	, .
4. TYPE OF BUSINESS Full Service Restaurant	Hofbrau/Cafeteria	Cocktail Lounge 94/	21	
Deli or Specialty Restaurant	Comedy Club	Night Club	Private Club	
	Brew Pub	Tavern: Beer	Veterans Club	
Cafe/Coffee Shop		H	Fraternal Club	
Bed & Breakfast:	Theater	Tavern: Beer & Wine	Wine Tasting	Room
Wine only All	·			· · · · · · · · · · · · · · · · · · ·
Supermarket	Membership Store	Service Station	Swap Meet/Fig	ea Market
Liquor Store	Department Store	Convenience Market	Drive-in Dairy	
Drug/Variety Store	Florist/Gift Shop	Convenience Market w/Ga	esoline	* * *
Other - describe:				
5. COUNTY POPULATION	6. TOTAL NUMBER OF LICENSES		RATIO OF LICENSES TO POPULATION	
824,325	37 7	On-Sale Uoff-Sale	1.1,250 L	On-Sale Loff-Sale
B. CENSUS TRACT NUMBER 0 10 2	9. NO. OF LICENSES ALLOWED II		NO. OF LICENSES EXISTING IN CEN	
11. IS THE ABOVE CENSUS TRACT OVERCONCI	ENTRATED WITH LICENSES? (i.e. does	<u></u>	news trait exceed the ratio of licenses to	On-Sale UOff-Sale
Yes, the number of existing license		• •	1 publication	
No, the number of existing licenses		d .	1 polos con los	!
12 DOES LAW ENFORCEMENT AGENCY MAINT				
Yes (Go to Item #13)	No (Go to Item #20)			
13. CRIME REPORTING DISTRICT NUMBER	14. TOTAL NUMBER OF REPORT	ng districts	5. TOTAL NUMBER OF OFFENSES IN A	LL REPORTING DISTRICTS
16. AVERAGE NO. OF OFFENSES PER DISTRICT	17. 120% OF AVERAGE NUMBER	OF OFFENSES 18	3. TOTAL NUMBER OF OFFENSES IN F	EPORTING DISTRICT
19. IS THE PREMISES LOCATED IN A HIGH CRIM	E REPORTING DISTRICT? (i.e., has a 20)% greater number of reported crimes than	the average number of reported crimes as	s determined from all crime
reporting districts within the jurisdiction of the loc	al law enforcement agency)			
Yes, the total number of offenses in			#17	
No, the total number of offenses in		n the total number in item #17		·
20. CHECK THE BOX THAT APPLIES (check only a. If "No" is checked in both item		58.4 B&P does not apply to this a	application, and no additional inf	formation will be needed
on this issue. Advise the applican				
b. If "Yes" is checked in either ite retail license issued for a hotel, mobeer manufacturer's license, or will application or as soon as possible	otel or other lodging establishme negrower's license, advise the <u>a</u>	nt as defined in Section 25503.1	6(b) B&P, or a retail license issu	ued in conjuction with a
/	*			
c. If " <u>Yes</u> " is checked in either itel sale beer license, an on-sale beer	n #11 <u>or</u> item #19, <u>and</u> the app	licant is applying for an off-sale b	eer and wine license, an off-sal	e general license, an on-
form to the local governing body, of	er its designated subordinate offi	cer or body to have them comple	ite Section 3. The completed for	rm will need to be
provided to ABC in order to process		fck')		
Governing Body/Designated Subor	dinate Name:			
FOR DEPARTMENT USE ONLY	01/26/			
PREPARED BY (Name of Department Employee)	CAT 2/8/11	·		
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ART 2 - TO BE COMPLETED B 1. Based on the information on the ecessity would be served by the is area. You may attach a separation of the complete is area.	the reverse, the Dep	ise. Please describe	e your application if you below the reasons why	.330dilice of direction no	onvenience or cense is justified in
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APPLICANT SIGNATURE		. *	23, DA	TE SIGNED	
ART 3 - TO BE COMPLETED ne applicant named on the reve	BY LOCAL OFFICIA	ALS (If box #20c is	checked)		
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ode). Sections 23958 and 239 overning body of the area in what ays of notification of a complete lease complete items #24 to #3 otter on official letterhead stating will public convenience or nece Yes 5. ADDITIONAL COMMENTS, IF DESIRED 26. CITY/COUNTY OFFICIAL NAME	ed application that pt 30 below and certify g whether or not the SSITY BE SERVED BY ISSUA No (may include reasons for approximation)	ublic convenience or or affix an official sea issuance of the appliance of the appliance of this alcoholic in the alcoholic i	al, or attach a copy of the lied for license would see the license would see the license? See Attached (in the license or necessity):	e Douncil or Board reserve as a public conveni	

LIQUOR LICENSE REVIEW

<i>H</i>	Planning Department AnMarie Rodgers/CTYPLN/SFGOV Georgia Powell/CTYPLN/SFGOV@SF	File: 110200
	Fax No.: 558-6409	
		BLOCK / LOT: 1401 / 002
TO:	nspector Dave Falzon	ZONING: NC-S
	Police Department	QUAD: NW
	Fax No.: 553-1463	MB # 1100492
DATE: F	February 28, 2011	
MAIL YOUR F	heduled to be heard at a meeting on MRESPONSE BY: March 24, 2011, to G d Neighborhood Services Committee. Gail.Johnson@sfgov.org - Fax No	Sail Johnson, Clerk, City
Applicant Nar and Business		2 Clement Street)
Applicant Add	Reuben & Junius, LLP	
and Phone No	One Bush Street, Suite 60 (415) 567-9000	00
PLANNING	G COMMENTS: Approv	al 🗌 Denial
ARC License	e Type 20 is permitted in cor	niunction with a retail use
	over 10,000 gross square feet	
	area is devoted to the liquor	
		Sharon Young, (415) 558-6346
4.00		3/18/11
POLICE C	OMMENTS:	al Denial



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 Avalos Supervisor Mar Supervisor Elsbernd

From:

Inspector Dave Falzon

Officer in Charge

ABC Liaison Unit (ALU) 553-1049

Date:

April 8, 2011

Subject:

P.C.N. Investigation Regarding:

Garfield Beach CVS LLC

CVS Pharmacy #4675 3132 Clement Street

Ms. Holly Grzywacz on behalf of CVS Pharmacy has filed an application with the California Department of Alcoholic Beverage Control seeking a Type 20 (Off-Sale Beer & Wine) license for 3132 Clement Street (located between 4th Street and 5th Street).

Hours of Operation:

Daily

7:00 a.m. to 10:00 p.m.

Digest:

If approved, this license will allow the applicant to sell off-sale beer and wine. It should be noted that this location was licensed in the past as an Albertson's which subsequently closed. The Albertson's license was transferred to Fresh and Easy which is a new grocery food chain that is opening several locations in San Francisco. The Fresh and Easy license was transferred via a person to person (from Albertson's to Fresh and Easy) and did not require PCN as the Albertson's had previously received said determination.

The space previously occupied by *Albertson's* has been subdivide and now is occupied approximately half by *Fresh and Easy* and the other half by CVS. The *Fresh and Easy* location is currently licensed as an ABC Type 21 (Beer, Wine and Distilled Spirits) license. The license is pending completion of the build-out/remodel.

In conclusion what is before the committee today is to add a license to a location that was previously licensed with one (1) ABC license Type 21 and adding an additional Type 20 for a total of two (2) licenses on the same property.

The Department believes that with the proposed condition this premises should not create a community or police problem.

Letters of Protest:

No Record

Letters of Support:

No Record

Police Calls for Service:

From April 2010 to April 2011

NA

Police Reports:

From April 2010 to April 2011

NA

San Francisco Plot Information:

This premise is located in Plot 716

184 Police Reports were recorded for this plot in 2010

This plot is 37 Police Report(s) under the citywide average (plus 20%) of 221Police Reports.

State Census Tract Information:

This premise is located in Census Tract 427

Population for this tract is: 5513

On-sale license authorized by census tract: 18 Active on-sale licenses: 20 with 0 pending

Off-sale licenses authorized by census tract: 6 Active off-sale licenses: 7 with 1 pending

Departmental Recommendation:

Points of consideration:

No opposition from Richmond Station

Applicant premise is not located in a "high crime" area.

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

No Record of protest.

No Record of support.

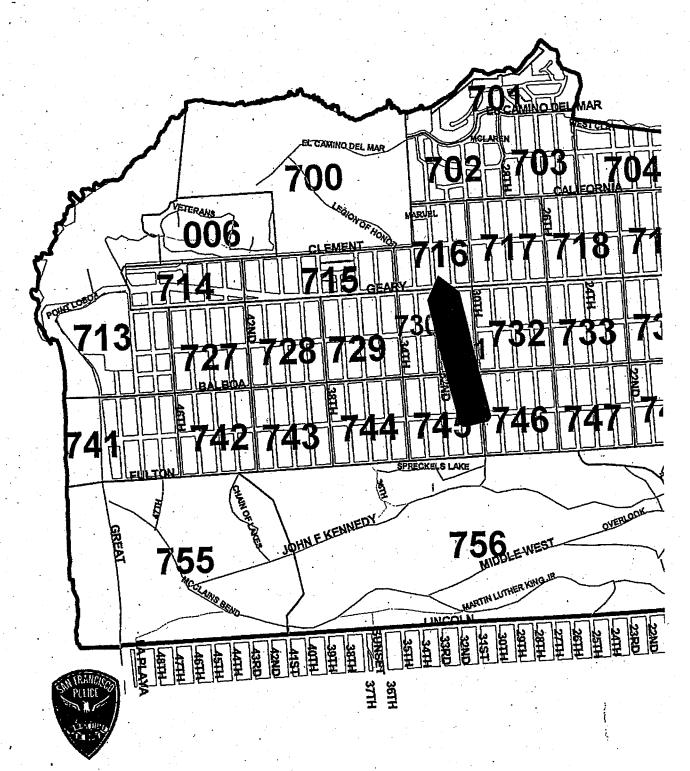
ALU Recommendation: Approval with Conditions

- 1. Sales of alcoholic beverages shall be permitted only between the hours of 10:00 a.m. to 10:00 p.m. daily.
- 2. No more than 5% of the square footage of the premises will be used for the display of alcoholic beverages.
- 3. Noise no noise shall be auditable beyond the area under the control of the licensee.
- 4. The petitioner shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
- 5. The exterior of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the premises. Additionally, the position of such lighting shall not disturb the normal privacy and use of any neighboring residences.
- 6. Loitering (loitering is defined as "to stand idly about; linger aimlessly without lawful business") is prohibited on the parking lot, sidewalks or property adjacent to the licensed premises under the control of the licensee as depicted on the ABC-257, dated ______.
- 7. No person under the age of 21 shall sell or deliver alcoholic beverages.

- 8. No malt beverage shall be sold with an alcoholic content great than 5.7% by volume.
- 9. The sale of beer or malt beverages in quantities of 16 oz., 22 oz., 32 oz., 40 oz., or similar size containers is prohibited.
- 10. No beer or malt beverages shall be sold in quantities of less than manufacturer pre-packaged six (6) 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.
- 11. No wine shall be sold with an alcoholic content of great than 15% by volume except for "Dinner Wines" which have been aged two years or more and maintained in corded bottles.
- 12. Wine shall not be sold in bottles or containers smaller than 750 ml.
- 13. The licensee shall maintain a digital electronic surveillance system in the area where alcoholic beverages are on display. Said data shall be maintained for a period of no less than 30 days and made available to law enforcement upon request.

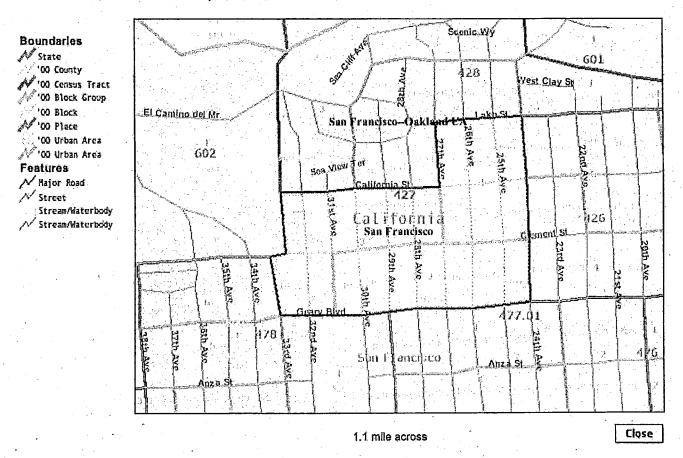
end.

RICHMO Reporting Plo



San Francisco Police Department August 21, 2002

Census Tract 427, San Francisco County, California



Google maps Address 3132 Clement St San Francisco, CA 94121

