

File No. 100155

Committee Item No. 1
Board Item No. 26

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: City Operations & Neighborhood Ser. Date: August 9, 2010

Board of Supervisors Meeting

Date Aug 10, 2010

Cmte Board

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Ethics Form 126 |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Public Correspondence |

OTHER

(Use back side if additional space is needed)

| | | |
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| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Completed by: Victor Young

Date August 5, 2010

Completed by: Victor Young

Date 8-9-10

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

1 [Liquor License, 612 Kearny Street]

2
3 **Resolution determining that the transfer of a Type 21 Off-Sale General Liquor**
4 **License from 605 Kearny Street to 612 Kearny Street (District 3) to David C.**
5 **Huang for David's Food Store will serve the public convenience or necessity of**
6 **the people of the City and County of San Francisco, in accordance with Section**
7 **23958.4 of the California Business and Professions Code, with conditions.**

8
9 WHEREAS, David C. Huang is seeking the transfer of a Type 21 Off-Sale
10 General Liquor License for David's Food Store, located at 612 Kearny Street; and,

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

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

15 RESOLVED, That in accordance with Section 23958.4 of the California Business
16 and Professions Code, the Board of Supervisors of the City and County of San
17 Francisco hereby determines for the foregoing reasons that the transfer of a Type 21
18 Off-Sale General Liquor License from 605 Kearny Street to 612 Kearny Street, for David
19 C. Huang for David's Food Store, will serve the public convenience or necessity of the
20 people of the City and County of San Francisco.

21 Conditions: 1) The sale and service of alcoholic beverages shall be permitted
22 only between the hours of 9:00 a.m. to 11:00 p.m. each day of the week except for
23 December 31st from 9 a.m. to January 1st until 2:00 a.m.; 2) No more than 10% of the
24 square footage of the premises will be used for display of alcoholic beverages; 3) No
25 distilled spirits shall be sold in bottles or containers smaller than 375 milliliters; 4) Wine

1 shall not be sold in bottles or containers smaller than 750 ml. Except for manufacturer
2 pre-packaged multi-unit quantities of four or more; 5) No wine shall be sold with an
3 alcoholic content greater than 15% by volume except "Dinner Wines" which have been
4 aged two years or more and maintained in corked bottles; 6) No malt beverages shall
5 be sold with an alcoholic content greater than 5.7 % by volume; 7) No beer or malt
6 beverages shall be sold in sizes of 12 ounces or smaller in quantities of less than
7 manufacturer pre-packaged six packs per sale with the exception of wine-coolers, beer
8 coolers which must be sold in manufacturer pre-packaged multi-unit quantities of four or
9 more; 8) There shall be no cups, glasses, or similar receptacles commonly used for the
10 drinking of beverages, sold, furnished, or given away at the petitioner's premises in
11 quantities of less than twenty-four in the original multi-container package; 9) All ice shall
12 be sold at or above prevailing prices in the area and in quantities of not less than three
13 pounds per sale and shall not be given away free; 10) No noise shall be audible beyond
14 the area under control of the licensee; 11) No person under the age of 21 shall sell or
15 deliver alcoholic beverages; 12) no alcoholic beverages shall be consumed on any
16 property adjacent to the licensed premises under the control of the licensee; 13) The
17 petitioner shall be responsible for maintaining free of litter the area adjacent to the
18 premises over which they have control; 14) Loitering (loitering is defined as "to stand
19 idly about; linger aimlessly without lawful business") is prohibited on any sidewalks or
20 property adjacent to the licensed premises under the control of the licensee; 15) Graffiti
21 shall be removed from the premises and all parking lots under the control of the
22 licensee within 72 hours of application. If the graffiti occurs on a Friday or weekend
23 day, or on a holiday, the licensee shall remove the graffiti within 72 hours following the
24 beginning of the next weekday; 16) The exterior of the premises shall be equipped with
25 lighting of sufficient power to illuminate and make easily discernible the appearance and

1 conduct of all persons on or about the premises. Additionally, the position of such
2 lighting shall not disturb the normal privacy and use of any neighboring residences.

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08/05/2010

16:29

SFPD ABC LIAISON UNIT → B OF SUPERVISOR

NO. 497

001



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

A handwritten signature in black ink, appearing to read "D Falzon", written over the printed name and title.

Date: August 5, 2010

Subject: P.C.N. Investigation Regarding:

Mr. David C Huang
David's Food Store
612 Kearny Street
623-8080

Mr. David C Huang on behalf of David's Food Store has filed an application with the California Department of Alcoholic Beverage Control seeking a Type 21 (off-sale General) license for 612 Kearny Street (located between Sacramento Street and Clay Street).

Proposed Hours of Operation:

| | |
|-------------------|----------------------------|
| Sunday | 2:30 p.m. – 9:30 p.m. |
| Monday – Thursday | 10:00 a.m. – 10:30:00 p.m. |
| Friday | 9:00 p.m. – 6:00 a.m. |
| Saturday | 12:30 p.m. – 10:30 p.m. |

Digest:

This premises is currently licensed as a Type 20 (off-sale beer & wine) license and has operated at this location for many years. This operator purchased the Type 21 (off-sale beer, wine & distilled spirits) license that was located across the Street and is now closed.

If approved this license will allow the applicant(s) to sell off-sale beer, wine, and distilled spirits at his location, surrendering his Type 20 to the ABC.

Letters of Protest:

No record

Letters of Support:

No record

Police Calls for Service:

From February 18, 2010 to June 18, 2010

0

Police Reports:

From July 14, 2009 to June 18, 2010

4

San Francisco Plot Information:

This premise is located in Plot 150

330 Police Reports were recorded for this plot in 2009

This plot is 109 Police Report(s) over the citywide average (plus 20%) of 221 Police Reports.

State Census Tract Information:

This premise is located in Census Tract 0115

Population for this tract is: 759

On-sale license authorized by census tract: 3
Active on-sale licenses: 44 with 2 pending

Off-sale licenses authorized by census tract: 1
Active off-sale licenses: 2 with 0 pending

Departmental Recommendation:

Points of consideration:

APPROVAL w/conditions recommendation forwarded by the ALU.

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

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

No Record letter of protest.

No Record letters of support

License was purchased from across the Street so no net gain in total number of off-sale licenses.

Recommendation: **APPROVAL w/conditions**

Proposed Conditions:

1. The sales and service of alcoholic beverages shall be permitted only between the hours of 9:00 a.m. to 11:00p.m. each day of the week except for December 31st from 9:00 a.m. to January 1st until 2:00 a.m.
2. No more than 10% of the square footage of the premises will be used for the display of alcoholic beverages.
3. No distilled spirits shall be sold in bottles or containers smaller than 375 milliliters.
4. 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.
5. No wine shall be sold with an alcoholic content greater than 15% by volume except "Dinner Wines" which have been aged two years or more and maintained in corked bottles.
6. No malt beverages shall be sold with an alcoholic content greater then 5.7% by volume.
7. No beer or malt beverages shall be sold in sizes of 12 ounces or smaller 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.
8. 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 twenty-four in the original multi-container package.
9. 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.

08/05/2010

16:29

SFPD ABC LIAISON UNIT → B OF SUPERVISOR

NO. 497

004

10. No noise shall be audible beyond the area under control of the licensee(s).
11. No person under the age of 21 shall sell or deliver alcoholic beverages.
12. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee(s).
13. The petitioner shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
14. 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.
15. Graffiti shall be removed from the premises and all parking lots under the control of the licensee within seventy-two (72) hours of application. If the graffiti occurs on a Friday or weekend day, or on a holiday, the licensee shall remove the graffiti within seventy-two (72) hours following the beginning of the next weekday.
16. 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.

end.

FROM: PT00TIUC ISN: 1 I TIME: 06/18/2010 07:25:26
TO: PP00TIUZ OSN: 0 O TIME: 06/18/2010 07:25:26

Original Message

FROM: CABLE ISN: 01550 DATE: 06/18/10 TIME: 07:25:22 ADMIN MSG
TO: PT00TIUC OSN: 00000 DATE: 06/18/10 TIME: 07:25:24

06304 GRAND THEFT FROM A BUILDING
INCACCNO:090033588 DATE:01/10/09 LAST-SUFFIX:A UNIT-ASSIGNED:5D
PADDR:0612/KEARNY/ST
THIS RECORD NOT IN COMPUTER - IT IS AVAILABLE IN RECORD ROOM

04013 AGGRAVATED ASSAULT WITH A DEADLY WEAPON
INCACCNO:080738726 DATE:07/14/08 LAST-SUFFIX:A UNIT-ASSIGNED:5G
PADDR:0612/KEARNY/ST
THIS RECORD NOT IN COMPUTER - IT IS AVAILABLE IN RECORD ROOM

06365 PETTY THEFT WITH PRIOR
INCACCNO:090054716 DATE:01/15/09 LAST-SUFFIX:A UNIT-ASSIGNED:5D
PADDR:0612/KEARNY/ST
THIS RECORD NOT IN COMPUTER - IT IS AVAILABLE IN RECORD ROOM

27300 MISCELLANEOUS STATE MISDEMEANOR UNASG: 5V
INCACCNO:090572075/A OCCFROMTO:06/03/09/0515
612 KEARNY ST
ASSIGNED:STOCKER/1186 CLEARED:ARREST, CITED

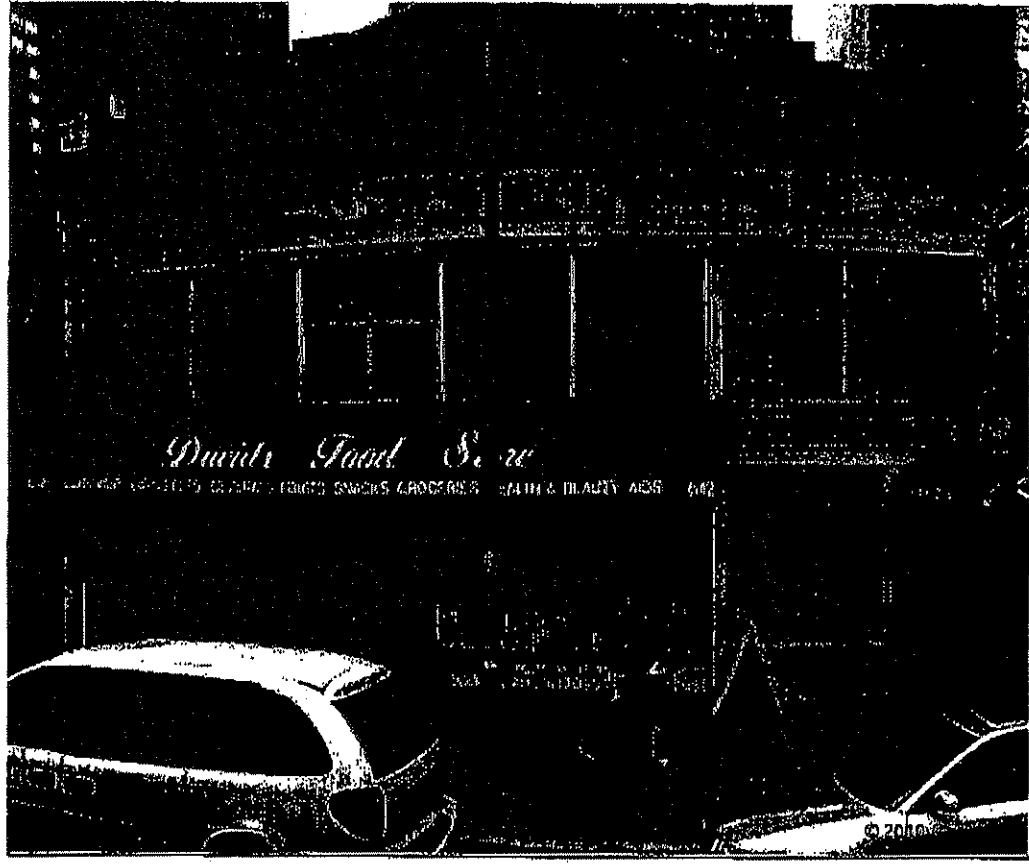
08/05/2010 16:29 SFPD ABC LIAISON UNIT → B OF SUPERVISOR
610 Kearny St - Google Maps

NO. 497 P06
Page 1 of 1

Google maps

Address 610 Kearny St
Address is approximate

Save trees. Go green!
 Download Google Maps on your phone at google.com/gmm

612 Kearny Street, San Francisco, CA - Google Maps

Page 1 of 1

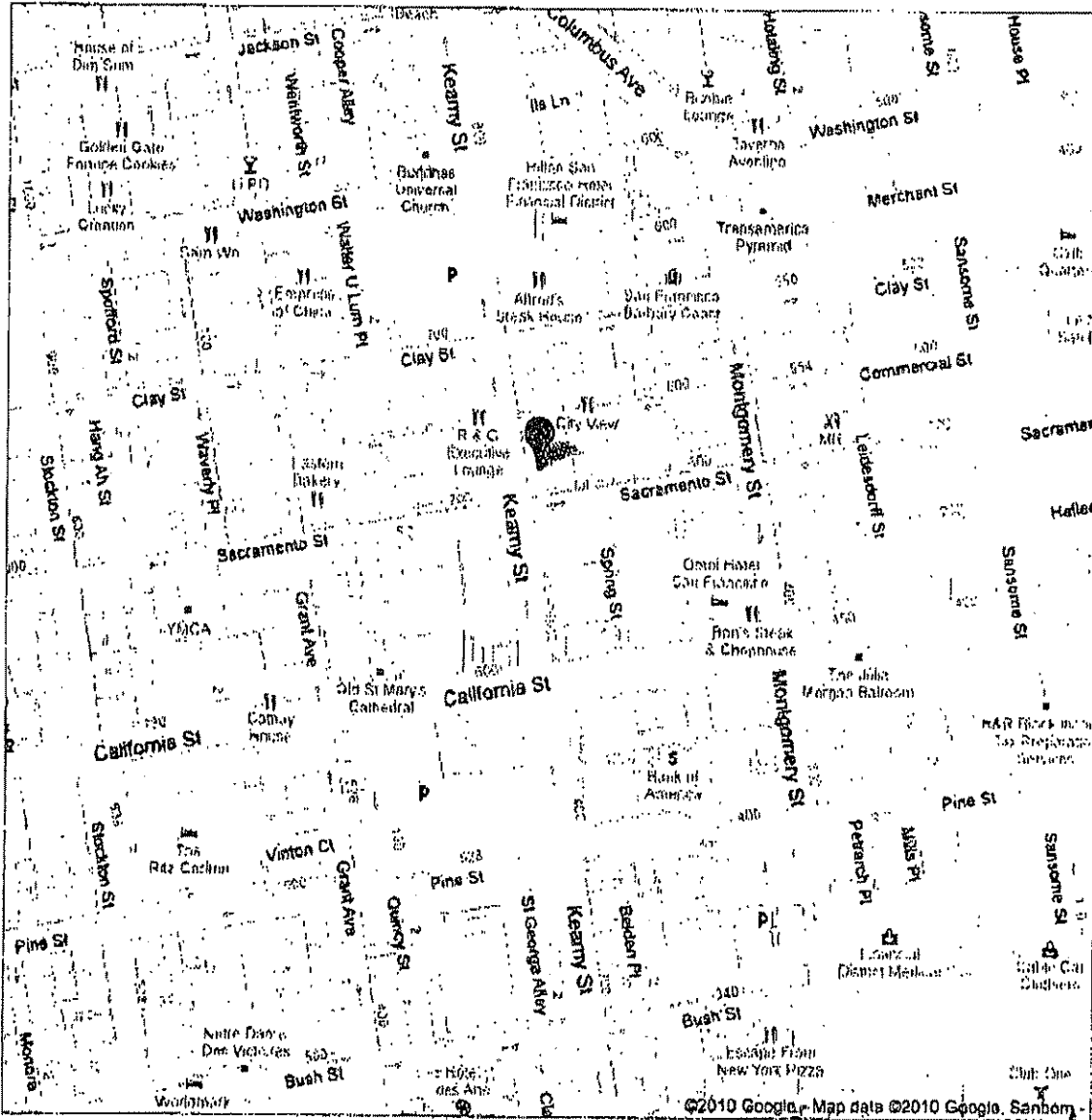
Google maps

Address 612 Kearny St
San Francisco, CA 94111

Get Google Maps on your phone

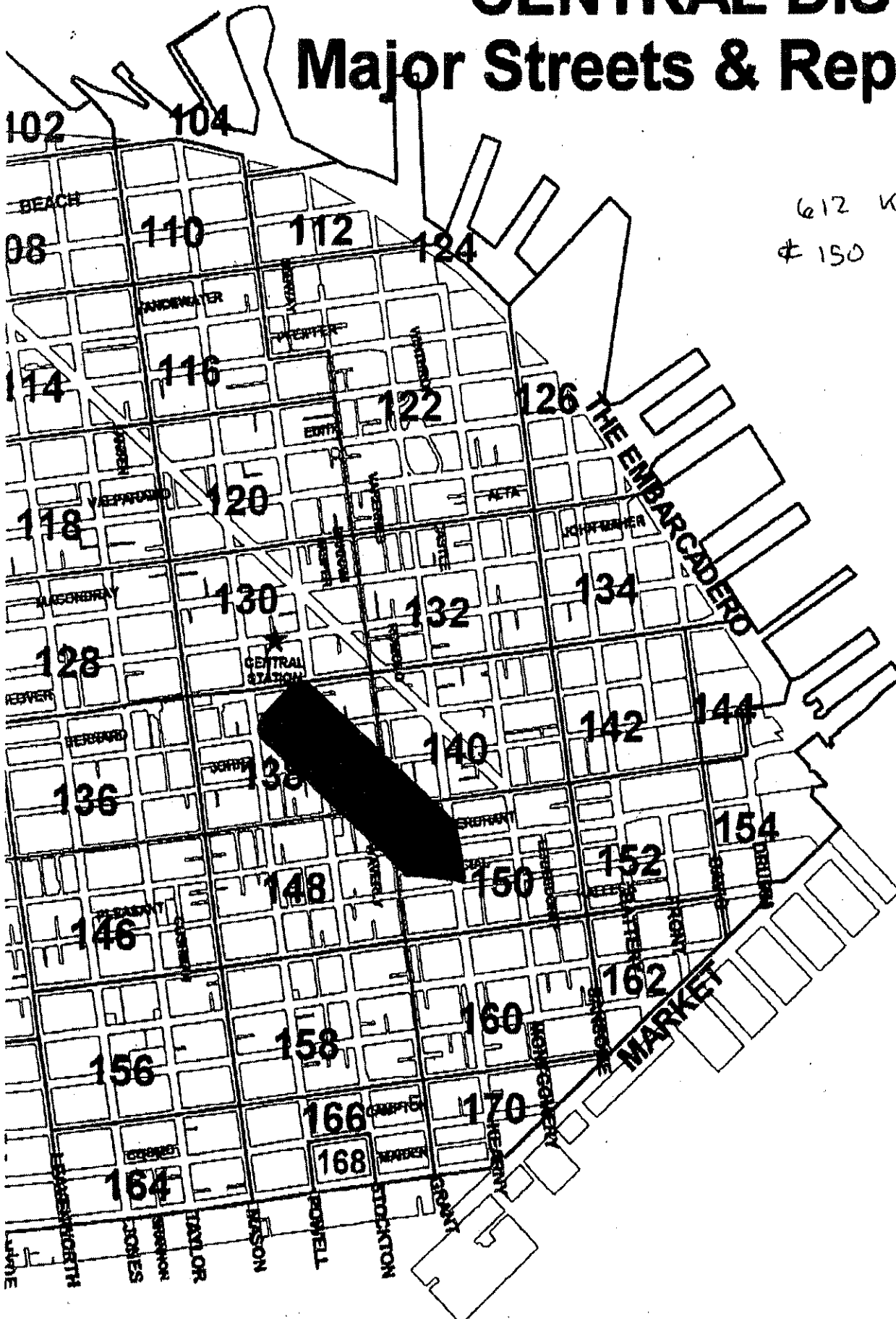


Text the word "GMAPS" to 466453



612 KEARNY

CENTRAL DISTRICT Major Streets & Reporting

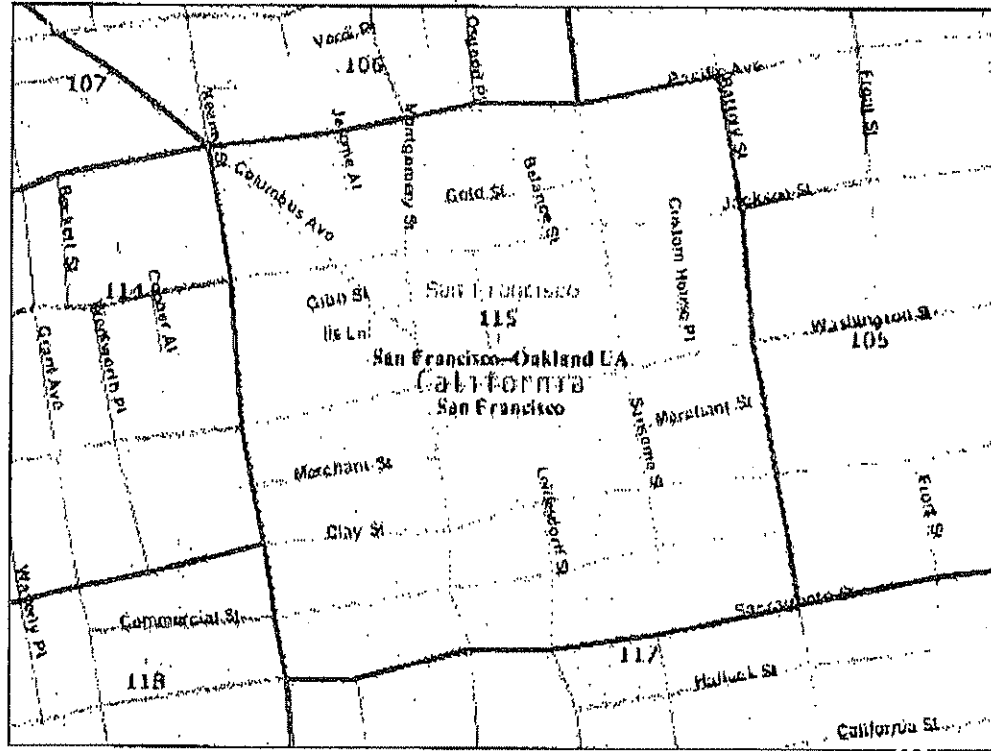


612 KEARNY
150

Census Tract 115, San Francisco County, California - Reference Map - American FactFin... Page 1 of 1

Census Tract 115, San Francisco County, California

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



0.5 mile across

Close

612 HEARNY

LIQUOR LICENSE REVIEW

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

File: 100155

*Block/Lot: 0227/021
Zoning: CCB
Quad: NE
MB # 1000612*

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

DATE: June 17, 2010

This item is scheduled to be heard at a meeting on July 12, 2010. **PLEASE E-MAIL YOUR RESPONSE BY: July 5, 2010** to Victor Young, Clerk of City Operations and Neighborhood Services Committee.

victor.young@sfgov.org

Applicant Name: David C. Huang
and Business Name: David's Food Store
Applicant Address: 612 Kearny Street
and Phone No. 415-623-8080

PLANNING COMMENTS: Approval Denial

per Planning Code Section 41C.40A

[Signature]
Rick Crowder 6/18/10

POLICE COMMENTS: Approval Denial

File 100155

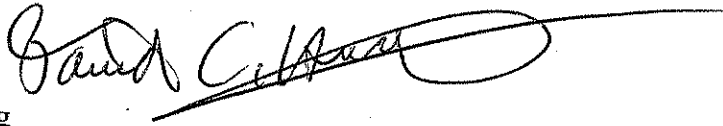
May 25, 2010

To the Clerk of the Board,

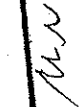
My name is David Cheng Huang and I am applying for a transfer of an Alcoholic Beverage Control license for my convenience market "David's Food Store" located at 612 Kearny Street in San Francisco, California, 94108 and the hours of operation are 10 am to 10 :30 pm daily. The license transfer will come from the convenience store "Jian Chung Market" located at 605 Kearny Street, San Francisco, California, 94108. Jian Chung Market, located across the street from my own market, was the primary seller of alcohol in the neighborhood and has recently gone out of business. As a local convenience market with a vision to provide a greater variety of products for residents in the neighborhood as well as visiting tourists, we would like the opportunity to acquire the license with a view to continue to provide alcoholic beverages to quench the existing demands at reasonable prices in the neighborhood. Local residents and tourists are supportive for such license transfer given that they would like to see no disruption in the supply of such merchandise in the neighborhood. Thank you for your time. My daytime phone number is 415-623-8080. Please contact me should you have any questions.

Looking forward to hearing from you.

Sincerely,



David C. Huang
612 Kearny St, San Francisco, California 94108

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2010 JUN - 2 PM 2:34
BY 

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 retain 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 subordinate officer or body, and returned to

PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT'S NAME

Huang, David Cheng

2. PREMISES ADDRESS (Street number and name, city, zip code)

612 Kearny St, San Francisco, CA 94108

3. LICENSE TYPE

21

4. TYPE OF BUSINESS

- | | | | |
|---|--|--|--|
| <input type="checkbox"/> Full Service Restaurant | <input type="checkbox"/> Hofbrau/Cafeteria | <input type="checkbox"/> Cocktail Lounge | <input type="checkbox"/> Private Club |
| <input type="checkbox"/> Deli or Specialty Restaurant | <input type="checkbox"/> Comedy Club | <input type="checkbox"/> Night Club | <input type="checkbox"/> Veterans Club |
| <input type="checkbox"/> Cafe/Coffee Shop | <input type="checkbox"/> Brew Pub | <input type="checkbox"/> Tavern: Beer | <input type="checkbox"/> Fraternal Club |
| <input type="checkbox"/> Bed & Breakfast | <input type="checkbox"/> Theater | <input type="checkbox"/> Tavern: Beer & Wine | <input type="checkbox"/> Wine Tasting Room |
| <input type="checkbox"/> Wine only | <input type="checkbox"/> All | | |

- | | | | |
|---|--|--|--|
| <input type="checkbox"/> Supermarket | <input type="checkbox"/> Membership Store | <input type="checkbox"/> Service Station | <input type="checkbox"/> Swap Meet/Flea Market |
| <input type="checkbox"/> Liquor Store | <input type="checkbox"/> Department Store | <input checked="" type="checkbox"/> Convenience Market | <input type="checkbox"/> Drive-in Dairy |
| <input type="checkbox"/> Drug/Variety Store | <input type="checkbox"/> Florist/Gift Shop | <input type="checkbox"/> Convenience Market w/Gasoline | |
| <input type="checkbox"/> Other - describe: | | | |

5. COUNTY POPULATION

759

6. TOTAL NUMBER OF LICENSES IN COUNTY

On-Sale Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY

On-Sale Off

8. CENSUS TRACT NUMBER

0115

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

On-Sale Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

2

On-Sale Off

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)

- Yes, the number of existing licenses exceeds the number allowed
- No, the number of existing licenses is lower than the number allowed

3x publication

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

- Yes (Go to Item #13)
- No (Go to Item #20)

13. CRIME REPORTING DISTRICT NUMBER

150

14. TOTAL NUMBER OF REPORTING DISTRICTS

054

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

120,367

16. AVERAGE NO. OF OFFENSES PER DISTRICT

184

17. 120% OF AVERAGE NUMBER OF OFFENSES

221

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

330

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)

- Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17
- No, the total number of offenses in the reporting district is lower than the total number in item #17

PC & N required

20. CHECK THE BOX THAT APPLIES (check only one box)

- a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.
- b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when the application or as soon as possible thereafter.
- c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name:

Board of Supervisors

(CPACK)

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

AA 2/4/10

