

BOARD of SUPERVISORS



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MEMORANDUM

NEIGHBORHOOD SERVICES & SAFETY COMMITTEE SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor David Campos, Chair
Neighborhood Services & Safety Committee

FROM: Derek Evans, Assistant Committee Clerk

DATE: July 18, 2014

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, July 22, 2014

The following file should be presented as a **COMMITTEE REPORT** at the Board meeting, Tuesday, July 22, 2014. This item was acted upon at the Neighborhood Service and Safety Committee Regular Meeting on Thursday, July 17, 2014, at 10:00 a.m., by the votes indicated.

Item No. 2 File No. 140183

Resolution determining that the issuance of a Type 42 on-sale beer and wine public premises license to Miriam Lipton for 854 Geary, LLC, dba Tender, located at 854 Geary Street (District 6), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license.

RECOMMENDED AS A COMMITTEE REPORT

Vote: Supervisor David Campos - Aye
Supervisor Eric Mar - Aye
Supervisor Norman Yee - Aye

Cc: Board of Supervisors
Angela Calvillo, Clerk of the Board
Rick Caldeira, Deputy Legislative Clerk
Jon Givner, Deputy City Attorney

1 [Liquor License - 854 Geary Street]

2
3 **Resolution determining that the issuance of a Type 42 on-sale beer and wine**
4 **public premises license to Miriam Lipton for 854 Geary, LLC, dba Tender, located**
5 **at 854 Geary Street (District 6), will serve the public convenience or necessity of**
6 **the City and County of San Francisco, in accordance with California Business**
7 **and Professions Code, Section 23958.4, and recommending that the California**
8 **Department of Alcoholic Beverage Control impose conditions on the issuance of**
9 **the license.**

10
11 WHEREAS, Miriam Lipton is seeking the issuance of a Type 42 on-sale beer and
12 wine public premises license for 854 Geary, LLC, dba Tender, located at 854 Geary
13 Street; and,

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

16 WHEREAS, The Police Department has filed three (3) protests with the
17 Department of Alcoholic Beverage Control under California Business and Professions
18 Code, Section 24013, and recommends that the Department of Alcoholic Beverage
19 Control issue the liquor license with conditions; and

20 WHEREAS, The conditions recommended by the Police Department are the
21 following: 1) Sales, service and consumption of alcoholic beverages shall be permitted
22 from 3:00 p.m. until 12:00 a.m. daily (with the exception of the "New Years Eve" holiday,
23 then Tender may be allowed to sell and service alcoholic beverages until 2:00 am); 2)
24 The sale of beer beverages for off-sale consumption is strictly prohibited; 3) No noise
25 shall be audible beyond the area under the control of the licensee as defined on the

1 applicant's ABC-257 form; 4) The petitioner(s) shall be responsible for maintaining free
2 of litter the area adjacent to the premises over which they have control; 5) Loitering
3 (defined as "to stand idly about; linger aimlessly without lawful business") is prohibited
4 on any sidewalks or property adjacent to the licensed premises under the control of the
5 licensee as depicted on the applicant's ABC-257 form; and 6) The exterior of the
6 premises shall be equipped with lighting of sufficient power to illuminate and make
7 easily discernible the appearance and conduct of all persons on or about the premises.
8 Additionally, the position of such lighting shall not disturb the normal privacy and use of
9 any neighboring residences; now, therefore, be it

10 RESOLVED, That in accordance with California Business and Professions Code,
11 Section 23958.4, the Board of Supervisors of the City and County of San Francisco
12 hereby determines that the issuance of a Type 42 on-sale beer and wine license to
13 Miriam Lipton for 854 Geary, LLC, dba Tender, located at 854 Geary Street, will serve
14 the public convenience or necessity of the City and County of San Francisco; and, be it

15 FURTHER RESOLVED, That the Board of Supervisors of the City and County of
16 San Francisco hereby endorses and adopts the recommendations of the Police
17 Department listed above, and recommends that the Department of Alcoholic Beverage
18 Control issue the license with those conditions.