

File No. 110200

Committee Item No. 4

Board Item No. _____

**COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST**

Committee: **City Operations & Neighborhood
Services Committee**

Date 4/11/11

Board of Supervisors Meeting

Date _____

LIQUOR LICENSE HEARING

Cmte Board

- Applicant's Letter
- Police Department Report (Letter)
- Planning Department Report
- Clerk's Correspondence
- Public Correspondence
- Resolution
- Other

- _____
- _____
- _____
- _____
- _____
- _____

Completed by Gail Johnson

Date 4/7/11

Completed by _____

Date _____

pcn reports
Dave Falzon
to:
Gail Johnson
04/08/2011 11:32 AM
Show Details

1 Attachment



PCNs 620 Treat, 803 Howard, 863 Mission.pdf

Gail attached are the three (3) pcn reports for Monday's hearings ... item 4 - I spoke to applicant for 3132 Clement Street and they are in agreement to continue the item to next meeting. Thanks, Dave

Inspector Dave Falzon
San Francisco Police Department
OIC, ABC Liaison Unit (ALU)
Thomas J. Cahill Hall of Justice
850 Bryant Street, ROOM 536
San Francisco, Ca 94103-4603

Office 415/553-1049
FAX 415/553-1463

dave.falzon@sfgov.org

REUBEN & JUNIUS^{LLP}

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

File # 110200

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 FEB 23 PM 12:24

**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

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Tuija I. Catalano | David Silverman | Sheryl Reuben¹ | Jay F. Drake
Daniel A. Frattin | Stephen R. Miller | Lindsay Petrone | John Kevin | Alison L. Krumbain | John McInerney²

1. Also admitted in New York 2. Of Counsel

One Bush Street, Suite 600
San Francisco, CA 94104

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

www.reubenlaw.com

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.

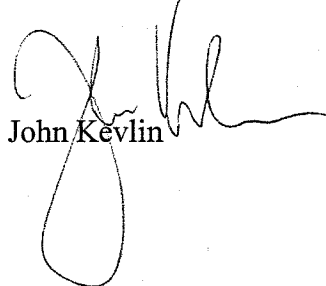
Adding beer and wine to the offerings of this CVS Pharmacy would serve the public convenience and necessity of the city of San Francisco by establishing a beer and wine retailer that has vast experience with the sale of alcohol and is a responsible retailer with an effective training and corporate-wide 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

REUBEN & JUNIUS^{LLP}

www.reubenlaw.com

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 subordinate officer or body, and returned to ABC.

PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT'S NAME *Garfield Beach CVS LLC*

2. PREMISES ADDRESS (Street number and name, city, zip code) *NWC 32nd Avenue & Clement St., San Francisco, CA*

3. LICENSE TYPE *20*

4. TYPE OF BUSINESS

<input type="checkbox"/> Full Service Restaurant	<input type="checkbox"/> Hofbrau/Cafeteria	<input type="checkbox"/> Cocktail Lounge <i>94121</i>	<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 *824,525*

6. TOTAL NUMBER OF LICENSES IN COUNTY *955*

7. RATIO OF LICENSES TO POPULATION IN COUNTY *1:1,250*

On-Sale Off-Sale On-Sale Off-Sale

8. CENSUS TRACT NUMBER *0427*

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT *6*

10. NO. OF LICENSES EXISTING IN CENSUS TRACT *7*

On-Sale Off-Sale On-Sale Off-Sale

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 *3x publication*

No, the number of existing licenses is lower than the number allowed

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

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

13. CRIME REPORTING DISTRICT NUMBER *716*

14. TOTAL NUMBER OF REPORTING DISTRICTS *654*

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 *79*

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

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 filing 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.

(BACK)

Governing Body/Designated Subordinate Name:

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee) *GA 2/8/11*

PART 2 - TO BE COMPLETED BY THE APPLICANT (If box #20b is checked)

21. Based on the information on the reverse, the Department may approve your application if you can show that public convenience or necessity would be served by the issuance of the license. Please describe below the reasons why issuance of another license is justified in this area. You may attach a separate sheet or additional documentation, if desired. Do not proceed to Part 3.

22. APPLICANT SIGNATURE

23. DATE SIGNED

PART 3 - TO BE COMPLETED BY LOCAL OFFICIALS (If box #20c is checked)

The applicant named on the reverse is applying for a license to sell alcoholic beverages at a premises where undue concentration exists (i.e., an over-concentration of licenses and/or a higher than average crime rate as defined in Section 23958.4 of the Business and Professions Code). Sections 23958 and 23958.4 of the Business and Professions Code requires the Department to deny the application unless the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. Please complete items #24 to #30 below and certify or affix an official seal, or attach a copy of the Council or Board resolution or a signed letter on official letterhead stating whether or not the issuance of the applied for license would serve as a public convenience or necessity.

24. WILL PUBLIC CONVENIENCE OR NECESSITY BE SERVED BY ISSUANCE OF THIS ALCOHOLIC BEVERAGE LICENSE?

Yes No See Attached (i.e. letter, resolution, etc.)

25. ADDITIONAL COMMENTS, IF DESIRED (may include reasons for approval or denial of public convenience or necessity):

26. CITY/COUNTY OFFICIAL NAME

27. CITY/COUNTY OFFICIAL TITLE

28. CITY/COUNTY OFFICIAL PHONE NUMBER

29. CITY/COUNTY OFFICIAL SIGNATURE

30. DATE SIGNED

LIQUOR LICENSE REVIEW

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

File: 110200

BLOCK / LOT: 1401 / 002

ZONING: NC-S

TO: Inspector Dave Falzon
Police Department
Fax No.: 553-1463

QUAD: NW

MB # 1100492

DATE: February 28, 2011

This item is scheduled to be heard at a meeting on March 28, 2011. **PLEASE E-MAIL YOUR RESPONSE BY: March 24, 2011**, to Gail Johnson, Clerk, City Operations and Neighborhood Services Committee.

Gail.Johnson@sfgov.org - Fax No: 554-7714

Applicant Name: Garfield Beach CVS LLC
and Business Name: dba CVS Pharmacy (3132 Clement Street)

Applicant Address: c/o John Kevlin
Reuben & Junius, LLP.
One Bush Street, Suite 600
and Phone No. (415) 567-9000

PLANNING COMMENTS: Approval Denial

ABC License Type 20 is permitted in conjunction with a retail use (which is over 10,000 gross square feet), provided that less than 15% floor area is devoted to the liquor use.

Sharon Young, (415) 558-6346

3/18/11

POLICE COMMENTS: Approval Denial

