

1 [Liquor License - 5900 3rd Street]

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3 **Resolution determining that the issuance of a Type 21 off-sale general license to**
4 **Howard Ngo dba Duc Loi's Pantry located at 5900 3rd Street (District 10), will**
5 **serve the public convenience or necessity of the City and County of San**
6 **Francisco, in accordance with California Business and Professions Code, Section**
7 **23958.4, and recommending that the California Department of Alcoholic Beverage**
8 **Control impose conditions on the issuance of the license.**

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10 WHEREAS, Howard Ngo is seeking the issuance of a Type 21 off-sale general
11 license dba Duc Loi's Pantry located at 5900 3rd Street (District 10); and

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

14 WHEREAS, The Police Department has filed zero (0) protests with the
15 Department of Alcoholic Beverage Control under California Business and Professions
16 Code, Section 24013, and recommends that the Department of Alcoholic Beverage
17 Control issue the liquor license with conditions; and

18 WHEREAS, The conditions recommended by the Police Department are the
19 following: 1) sales of alcoholic beverages shall be permitted between the hours of 7:00
20 a.m. and 10:00 p.m. each day of the week; 2) no distilled spirits shall be sold in bottles
21 or containers smaller than 600 ml; 3) the sale of beer or malt beverages in quantities of
22 quarts, 22 oz., 32 oz., 40 oz., or similar size containers is prohibited. No beer or malt
23 beverages shall be sold in quantities of less than six per sale; 4) beer, malt beverages,
24 and wine coolers in containers of 16 oz. or less cannot be sold by single containers, but
25 must be sold in manufacturer pre-packed multi-unit quantities; 5) no noise shall be

1 audible beyond the area under control of the license; 6) no pre-package beer or malt
2 beverages shall be sold as single unit sales; 7) no wine shall be sold with an alcoholic
3 content of greater than 15% by volume except for "Dinner Wines" which have been
4 aged two years or more and maintained in corded bottles; 8) loitering (is defined as "to
5 stand idly about; linger aimlessly without lawful business") is prohibited on any
6 sidewalks or property adjacent to the licensed premises under the control of the
7 licensee as depicted on the ABC-257; 9) graffiti shall be removed from the premises
8 and all parking lots under the control of the licensee within 72 hours of application. If
9 the graffiti occurs on a Friday or weekend day, or on a holiday, the licensee shall
10 remove the graffiti within 72 hours following the beginning of the next week day; 10) the
11 petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the
12 premises over which they have control; 11) the sale, service, and consumption of
13 powder alcohol or like non-liquid alcoholic beverage based product is prohibited; 12) no
14 more than 5% of the square footage of the premises will be used for the display of
15 alcoholic beverages; and 13) all sales of distilled spirits shall be done from behind a
16 counter, at no time shall a customer have direct access or self-service access to
17 distilled spirits; now, therefore, be it

18 RESOLVED, That in accordance with California Business and Professions Code,
19 Section 23958.4, the Board of Supervisors of the City and County of San Francisco
20 hereby determines for the foregoing reasons that the issuance of a Type 21 off-sale
21 general license to Howard Ngo dba Duc Loi's Pantry located at 5900 3rd Street (District
22 10), will serve the public convenience or necessity of the City and County of San
23 Francisco; and, be it

24 FURTHER RESOLVED, That the Board of Supervisors of the City and County of
25 San Francisco hereby endorses and adopts the recommendations of the Police

1 Department listed above and recommends that the Department of Alcoholic Beverage
2 Control issue the license with those conditions.

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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails
Resolution

File Number: 160098

Date Passed: May 24, 2016

Resolution determining that the issuance of a Type 21 off-sale general license to Howard Ngo dba Duc Loi's Pantry located at 5900 3rd Street (District 10), 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.

May 12, 2016 Public Safety and Neighborhood Services Committee - PREPARED IN COMMITTEE AS A RESOLUTION

May 12, 2016 Public Safety and Neighborhood Services Committee - RECOMMENDED

May 24, 2016 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 160098

I hereby certify that the foregoing Resolution was ADOPTED on 5/24/2016 by the Board of Supervisors of the City and County of San Francisco.

Handwritten signature of Angela Calvillo
Angela Calvillo
Clerk of the Board

Handwritten signature of Mayor
Mayor

6/3/16
Date Approved