

File No. 160098

Committee Item No. 2

Board Item No. 19

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Public Safety and Neighborhood Services Date May 12, 2016

Board of Supervisors Meeting Date MAY 24, 2016

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- Legislative Digest
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- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
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- Grant Budget
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OTHER (Use back side if additional space is needed)

- PCN Request Letter - 02/01/2016
- LL Referral - 02/01/2016
- Response Planning - 02/22/2016
- Response Police - 05/05/2016
- _____
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Completed by: Erica Major Date May 6, 2016
Completed by: [Signature] Date 5/17/2016

1 [Liquor License - 5900 3rd Street]

2

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.**

9

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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San Francisco Police Department
ABC Liaison Unit

RECEIVED VIA EMAIL
5/5/2016
FILE NO. 160098



Alcoholic Beverage License -
*Public Convenience and
Necessity Recommendation*

To: The San Francisco Board of Supervisors' Committee on Public Safety
and Neighborhood Services

Supervisor Jane Kim
Supervisor John Avalos
Supervisor David Campos

From: Lieutenant Dave Falzon
Officer in Charge
ABC Liaison Unit (ALU) 415-837-7876

Date: May 4, 2016

Subject: P.C.N. Investigation Regarding: Ngo, Howard Hiem
DBA: DUC LOIS PANTRY
5900- 3RD Street
Howard Ngo

Mr. Howard Ngo on behalf of dba: DUC LOIS PANTRY has filed an application with the California Department of Alcoholic Beverage Control seeking a -Type 21 (Off- Sale General) License for 5900- 3RD Street (located between Egbert Avenue and Carroll Avenue).

Hours of Operation:

7 Days a Week: 7:00 am -10:00 pm

Digest:

DUC LOIS PANTRY is a family owned Supermarket which will be located on the ground floor of 5900 3RD Street (previously this space was occupied by Fresh & Easy with an ABC type-20 off-sale beer and wine license) in San Francisco's Bayview District. DUC LOIS PANTRY has been operating in the Mission District since 1987, which also has an Alcohol License. If approved, this license will allow DUC LOIS PANTRY to sell off-sale Beer, Wine and Distilled Spirits.

Letters of Protest:

0 Protest

Letters of Support:

0 Support

Police Calls for Service:

From December 2014 to December 2015

0 calls for service

Police Reports:

From December 2014 to December 2015

0 police reports

San Francisco Plot Information:

This premise is located in Plot 343

A Low Crime area is defined as 98 or more police incident in a plot for the year of 2014.

This plot had 48 police incident for 2014, which is 50 under the Citywide "High Crime" average.

State Census Tract Information:

This premise is located in Census Tract: **233.00**
Population for this tract is: **2,634**

On-sale license authorized by census tract: **9**
Active on-sale licenses: **3** with **0** pending

Off-sale licenses authorized by census tract: **2**
Active off-sale licenses: **3** with **0** pending

Departmental Recommendation:

Points of consideration: **1**

No opposition from **Bayview Station**

Applicant premise is located in a "**Low Crime**" area.

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

0 - Record of protest.

0 - Record of support.

ALU Recommendation: **Approval with the following conditions:**

1. Sales of alcoholic beverages shall be permitted between the hours of 7:00 am to 10:00 pm each day of the week.
2. No distilled spirits shall be sold in bottles or containers smaller than 600ml.
3. The sale of beer or malt beverages in quantities of quarts, 22oz, 32oz, 40oz, or similar size containers is prohibited. No beer or malt beverages shall be sold in quantities of less than six per sale.
4. Beer, malt beverages, and wine coolers in containers of 16 oz or less cannot be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.
5. No noise shall be audible beyond the area under control of the license.

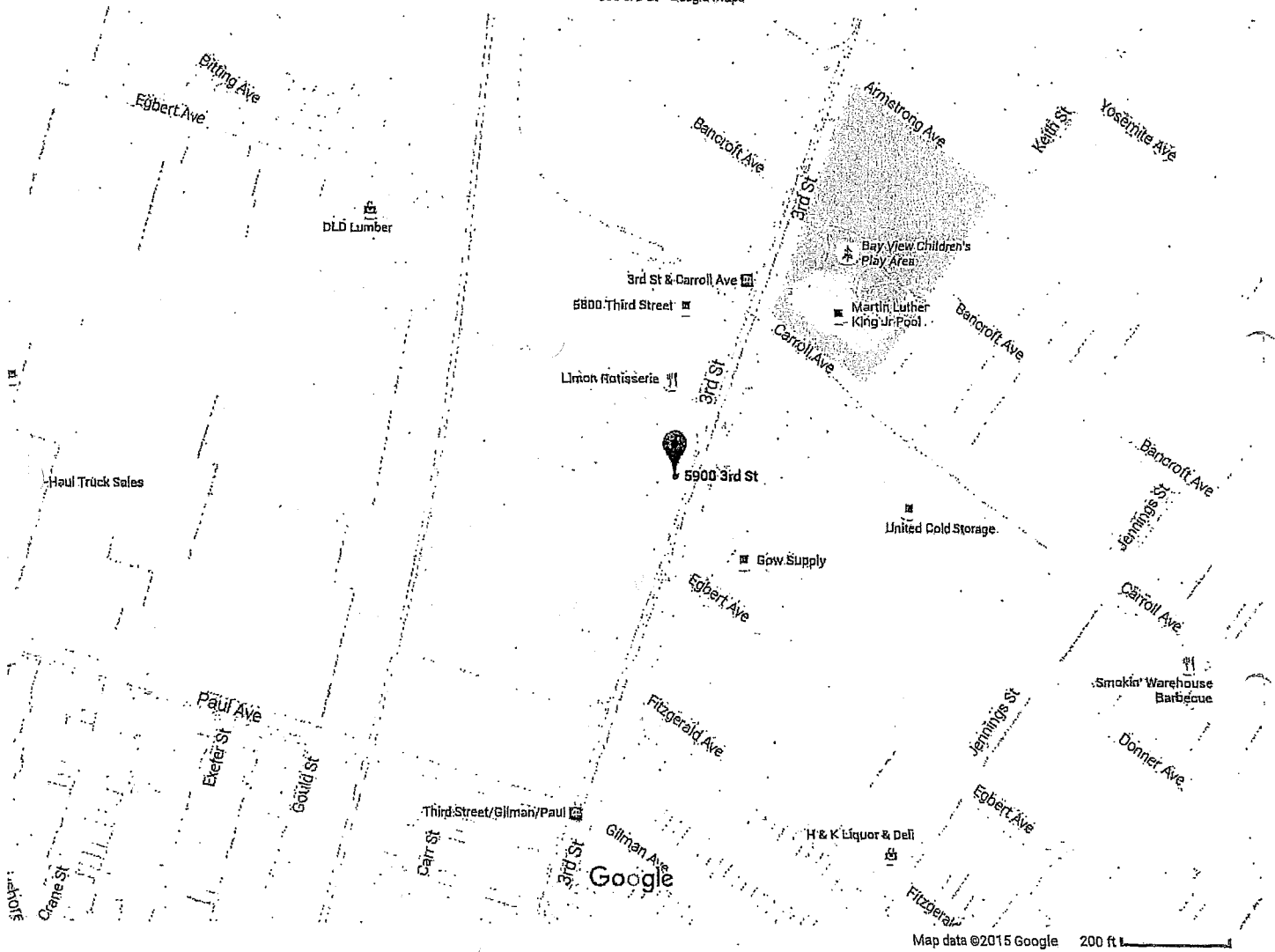
6. No pre-package beer or malt beverages shall be sold as single unit sales.
7. No wine shall be sold with an alcoholic content of great than 15% by volume except for "Dinner Wines" which have been aged two years or more and maintained in corded bottles.
8. Loitering (loitering is defined as "to stand 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 as depicted on the ABC-257.
9. Graffiti shall be removed from the premises and all parking lots under the control of the licensee within 72 hours of application. If the graffiti occurs on a Friday or weekend day, or on a holiday, the licensee shall remove the graffiti with 72 hours following the beginning of the next week day.
10. The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
11. The sale, service and consumption of powder alcohol or like non-liquid alcoholic beverage based product is prohibited.
12. No more than 5% of the square footage of the premises will be used for the display of alcoholic beverages.
13. All sales of distilled spirits shall be done from behind a counter, at no time shall a customer have direct access or self-service access to distilled spirits.

❖ **It should be noted that the Applicant agrees with all the above conditions.**

End

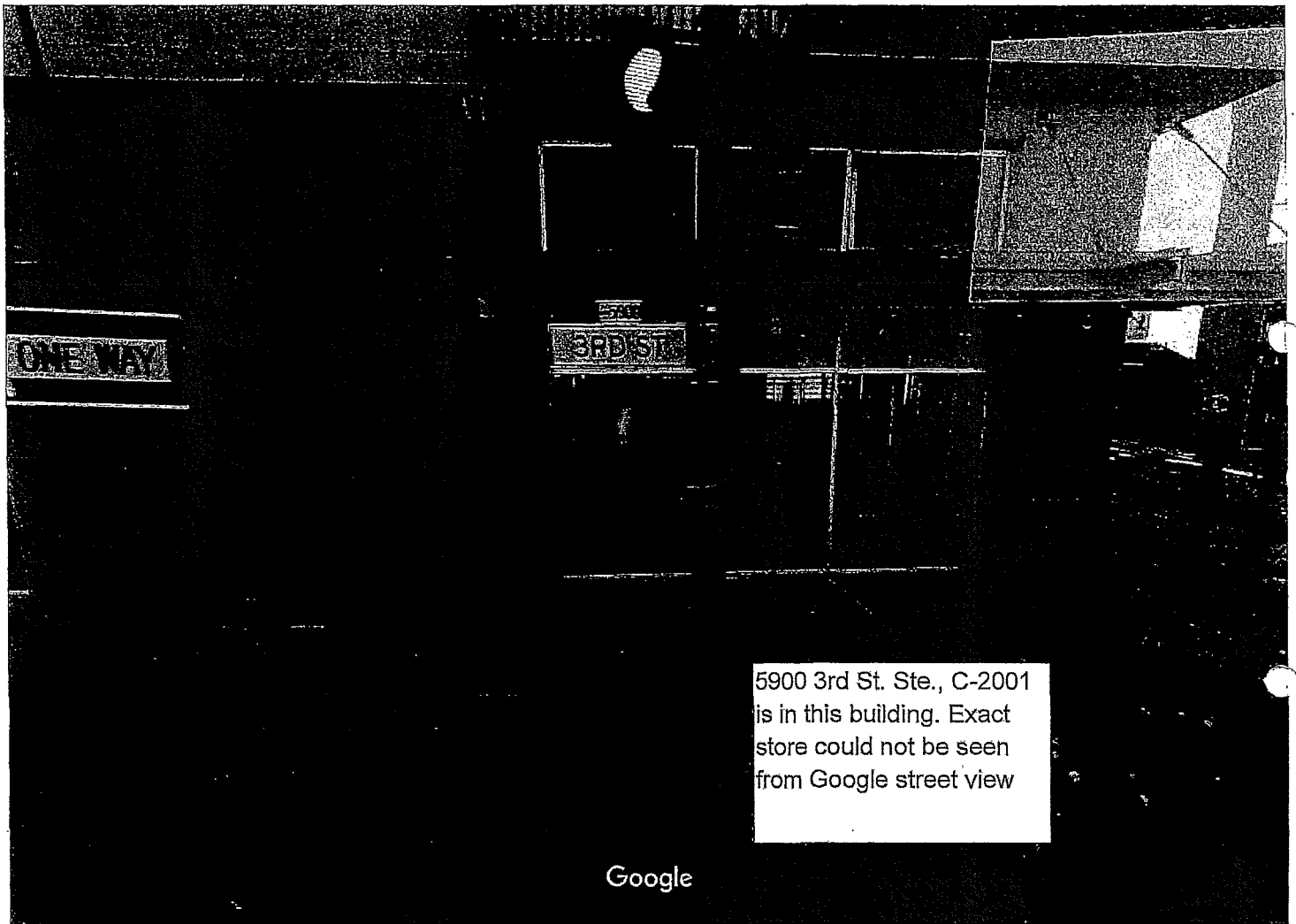
1/24/2015

5900 3rd St - Google Maps



Map data ©2015 Google 200 ft

<https://www.google.com/maps/place/5900+3rd+St,+San+Francisco,+CA+94124/@37.7245163,-122.3951995,17.25z/data=!4m2!3m1!1s0x808f7f18dbc2220b:0xbc976b303bb8addf>



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LIQUOR LICENSE REVIEW

TO: Planning Department **File:** 160098
AnMarie Rodgers/CTYPLN/SFGOV
Georgia Powell/CTYPLN/SFGOV@SFGOV
Fax No.: 558-6409

*Block/lot: 5431 B/092
Zoning: M-1
Quad: 8E
Record # 2016-001777 MIS*

TO: Police Department
Lieutenant David Falzon
Phone: 575-6097

DATE: February 1, 2016

This item is tentatively scheduled to be heard in four to six weeks.
PLEASE EMAIL YOUR RESPONSE BY: March 9, 2016, to Erica Major, Public
Safety and Neighborhood Services Committee Clerk.

Erica.Major@sfgov.org - Fax No: 554-7771

Applicant Name: Howard Ngo
and Business Name: Duc Loi's Pantry
(5900 3rd Street)

Applicant Address: 2200 Mission Street
San Francisco, CA 94110
and Phone No. (415) 551-1772

PLANNING COMMENTS: Approval Denial

*RECOMMEND APPROVAL PER P.C 249.62, NOT A LIQUOR ESTABLISHMENT
PER P.C 790.55.
[Signature] SEFF SPRERS 2/18/16*

POLICE COMMENTS: Approval Denial

160098

From: Board of Supervisors, (BOS)
Sent: Wednesday, May 11, 2016 3:26 PM
To: BOS-Supervisors; Major, Erica (BOS)
Subject: file 160098 FW: help us bring Duc Loi to the Bayview

From: Falzon, Dave (POL)
Sent: Wednesday, May 11, 2016 10:41 AM
To: jwusf05@gmail.com
Cc: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Suhr, Greg (POL) <Greg.Suhr@sfgov.org>; Vaswani, Raj (POL) <Raj.Vaswani@sfgov.org>
Subject: RE: help us bring Duc Loi to the Bayview

Hello Jie Wu: Thank you for comments and for taking the time to get involved in your community! Duc Loi as you stated, is a full service market and the Department does concurs with your assertions and does not see this premises creating a community or police problem. That said, most believe it will contribute positively and be an asset to the community.

Tomorrow this item will be heard by the Board of Supervisors, City Hall at 2:30pm in the main legislative chambers. The Department has submitted its report to the Board with a recommendation of approval with conditions. You are welcome to attend as there will be public comment.

Best regards, Dave

P.S. now that the new Police HQ is open on Third St we too are enjoying the many benefits of the Bayview/Mission Bay!

*Lt. Dave Falzon
Officer-in-Charge
ABC Liaison Unit (ALU)*



San Francisco Police Department
Police Headquarters, 6th Floor
1245 3rd Street
San Francisco, CA 94158
415/575-6097

From: Jie Wu [<mailto:jwusf05@gmail.com>]
Sent: Tuesday, May 10, 2016 6:15 PM
To: Falzon, Dave (POL) <david.falzon@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Suhr, Greg (POL) <Greg.Suhr@sfgov.org>; Vaswani, Raj (POL) <Raj.Vaswani@sfgov.org>
Subject: help us bring Duc Loi to the Bayview

Greetings from the Bayview!

I am a Bayview resident and have been living here for a little over 2 years. The sunny weather, down-to-earth vibe, easy commute, affordable housing are just a few things to cherish about this neighborhood. However, one thing, one basic but very important thing that is missing is the access to fresh and healthy groceries. It's sad to see Bayview being called "food desert" (per Hoodline article), and it is TRUE! That's why the news about Duc Loi opening a new store on the 3rd street has been extremely welcoming. My partner and I are looking forward to its opening. Having the store within the walking distance, we hope that we no longer have to take a hike to the Mission, or Bernal, or Portola for decent groceries.

I am here to ask for your help on accelerating the opening of Duc Loi in the Bayview. I have been driving by Duc Loi's new store everyday in the past two months on my way to work. Two months have past and it is still wrapped in construction paper with "coming soon" sign hanging outside of the building. What's the hiccup? If the liquor license the store is applying for is the showstopper, please help them get a one! We don't believe Duc Loi will turn into another troubled spot in the neighborhood by selling liquors - it will have different clientele from that of some of the corner liquor stores; but more importantly, having Duc Loi in the Bayview brings us hope, the hope that the quality of our lives will change for the better. After all, who wants to live in a "food desert" forever?

Thank you for your support!

Jie Wu
Mendell Hill, Bayview

Major, Erica (BOS)

160098

From: Board of Supervisors, (BOS)
Sent: Tuesday, May 10, 2016 9:54 AM
To: BOS-Supervisors; Major, Erica (BOS)
Subject: File 160098FW: Duc Loi's alcohol license

From: Ted DePalma [mailto:cactusrancher@gmail.com]
Sent: Monday, May 09, 2016 7:07 PM
To: Falzon, Dave (POL) <david.falzon@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Suhr, Greg (POL) <Greg.Suhr@sfgov.org>; Vaswani, Raj. (POL) <Raj.Vaswani@sfgov.org>
Subject: Duc Loi's alcohol license

Hello- I'm a Bayview resident writing to you in support of granting Duc Loi a full liquor license for its upcoming Third Street location.

It's true that there are quite a few liquor stores on Third Street in the Bayview, and some of these stores are regular scenes of crime and violence. But Duc Loi isn't a corner convenience store, it's a full-service supermarket that the community has desperately needed for a number of years now.

Just take a look at their Mission Street location and you'll find it doesn't attract criminal behavior; and there's no reason to expect that this location would either.

The residents of Bayview need a full-service supermarket like Duc Loi, and if selling alcohol helps them stay in business, it's a good thing. So please, grant Duc Loi a full liquor license. It will help Duc Loi, which will help the Bayview.

Thank you,
Ted DePalma
Oakdale Avenue

160098

From: Board of Supervisors, (BOS)
Sent: Tuesday, May 10, 2016 6:20 PM
To: BOS-Supervisors; Major, Erica (BOS)
Subject: File 160098 FW: help us bring Duc Loi to the Bayview

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Thank you for your support!

Jie Wu
Mendell Hill, Bayview

160098

From: Board of Supervisors, (BOS)
Sent: Wednesday, May 11, 2016 10:40 AM
To: BOS-Supervisors; Major, Erica (BOS)
Subject: File 160098 FW: Duc Loi's alcohol license

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Sent: Wednesday, May 11, 2016 10:19 AM
To: Ted DePalma <cactusrancher@gmail.com>
Cc: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Suhr, Greg (POL) <Greg.Suhr@sfgov.org>; Vaswani, Raj (POL) <Raj.Vaswani@sfgov.org>; George, Gigi (POL) <Gigi.George@sfgov.org>
Subject: RE: Duc Loi's alcohol license

Mr. DePalma: Thank you for comments and for taking the time to get involved in your community! Duc Loi as you stated, is a full service market and the Department does concurs with your assertions and does not see this premises creating a community or police problem. That said, most believe it will contribute positively and be an asset to the community.

Tomorrow this item will be heard by the Board of Supervisors, City Hall at 2:30pm in the main legislative chambers. The Department has submitted its report to the Board with a recommendation of approval with conditions. You are welcome to attend as there will be public comment.

Best regards, Dave

Lt. Dave Falzon
Officer-in-Charge
ABC Liaison Unit (ALU)



San Francisco Police Department
Police Headquarters, 6th Floor
1245 3rd Street
San Francisco, CA 94158
415/575-6097

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Sent: Monday, May 09, 2016 7:07 PM
To: Falzon, Dave (POL) <david.falzon@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Suhr, Greg (POL) <Greg.Suhr@sfgov.org>; Vaswani, Raj (POL) <Raj.Vaswani@sfgov.org>
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Just take a look at their Mission Street location and you'll find it doesn't attract criminal behavior; and there's no reason to expect that this location would either.

The residents of Bayview need a full-service supermarket like Duc Loi, and if selling alcohol helps them stay in business, it's a good thing. So please, grant Duc Loi a full liquor license. It will help Duc Loi, which will help the Bayview.

Thank you,
Ted DePalma
Oakdale Avenue

Howard Ngo
2200 Mission Street
San Francisco, Ca 94110
415 551 1772
January 27, 2016

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
DIGITIZED - 1 PM 3:06
Ak

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

Dear Sir/Madam:

My name is Howard Ngo. I have been operating a family owned food market in the Mission district of San Francisco since 1987. I am currently expanding my business to serve another neighborhood, located at 5900 3rd Street San Francisco, CA 94124.

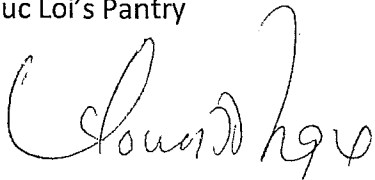
I am now applying for a type 21 off sale liquor license to fulfill my food retail service. Having this license will provide future customers with the proper convenience they deserve. The store will provide customers access to high quality and healthy edibles. My business hours will be 8am to 9pm daily.

I am therefore requesting permission from your office and any other relate department's assistance to help making this transition through smoothly. Your early response is very much appreciated.

Sincerely yours,

Howard Ngo

Duc Loi's Pantry



WCL01SUP1@att.net

(415) 551-1777

LIQUOR LICENSE REVIEW

TO: Planning Department **File:** 160098
AnMarie Rodgers/CTYPLN/SFGOV
Georgia Powell/CTYPLN/SFGOV@SFGOV
Fax No.: 558-6409

TO: Police Department
Lieutenant David Falzon
Phone: 575-6097

DATE: February 1, 2016

This item is tentatively scheduled to be heard in four to six weeks.
PLEASE EMAIL YOUR RESPONSE BY: March 9, 2016, to Erica Major, Public
Safety and Neighborhood Services Committee Clerk.
Erica.Major@sfgov.org - Fax No: 554-7771

Applicant Name: Howard Ngo
and Business Name: Duc Loi's Pantry
(5900 3rd Street)

Applicant Address: 2200 Mission Street
San Francisco, CA 94110
and Phone No. (415) 551-1772

PLANNING COMMENTS: Approval Denial

POLICE COMMENTS: Approval Denial

