

File No. 110200

Committee Item No. 1

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: City Operations and Neighborhood Ser. Date: April 25, 2011

Board of Supervisors Meeting

Date _____

Cmte Board

- | | | |
|-------------------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input 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 and Legislative 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 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 |

OTHER

(Use back side if additional space is needed)

- | | | |
|--------------------------|--------------------------|--------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <u>PCN Request</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Completed by: Victor Young

Date: April 21, 2011

Completed by: Victor Young

Date: _____

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

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

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.

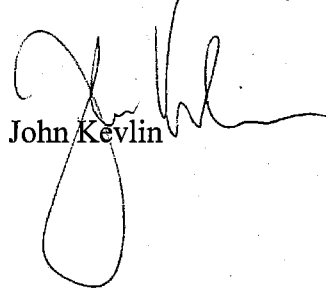
Adding beer and wine to the offerings of this CVS Pharmacy would serve the public convenience and necessity of the city of San Francisco by establishing a beer and wine retailer that has vast experience with the sale of alcohol and is a responsible retailer with an effective training and corporate-wide 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.reubentlaw.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 OVS 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 94121 | <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

On-Sale Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY

1:1,250

On-Sale Off-Sale

8. CENSUS TRACT NUMBER

0427

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

6

On-Sale Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

7

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
- 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

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

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

BLOCK / LOT: 1401 / 002

ZONING: NC-S

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



San Francisco Police Department
ABC Liaison Unit

Alcoholic Beverage License -
*Public Convenience and
Necessity Recommendation*

To: The San Francisco Board of Supervisors' Committee on City Operations
& Neighborhood Services

Supervisor Avalos
Supervisor Mar
Supervisor Elsbernd

From: Inspector Dave Falzon
Officer in Charge
ABC Liaison Unit (ALU) 553-1049

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

Date: April 8, 2011

Subject: P.C.N. Investigation Regarding: Garfield Beach CVS LLC
CVS Pharmacy #4675
3132 Clement Street

Ms. Holly Grzywacz on behalf of CVS Pharmacy has filed an application with the California Department of Alcoholic Beverage Control seeking a Type 20 (Off-Sale Beer & Wine) license for 3132 Clement Street (located between 4th Street and 5th Street).

Hours of Operation:

Daily

7:00 a.m. to 10:00 p.m.

Digest:

If approved, this license will allow the applicant to sell off-sale beer and wine. It should be noted that this location was licensed in the past as an *Albertson's* which subsequently closed. The *Albertson's* license was transferred to *Fresh and Easy* which is a new grocery food chain that is opening several locations in San Francisco. The *Fresh and Easy* license was transferred via a person to person (from *Albertson's* to *Fresh and Easy*) and did not require PCN as the *Albertson's* had previously received said determination.

The space previously occupied by *Albertson's* has been subdivided and now is occupied approximately half by *Fresh and Easy* and the other half by CVS. The *Fresh and Easy* location is currently licensed as an ABC Type 21 (Beer, Wine and Distilled Spirits) license. The license is pending completion of the build-out/remodel.

In conclusion what is before the committee today is to add a license to a location that was previously licensed with one (1) ABC license Type 21 and adding an additional Type 20 for a total of two (2) licenses on the same property.

The Department believes that with the proposed condition this premises should not create a community or police problem.

Letters of Protest:

No Record

Letters of Support:

No Record

Police Calls for Service:

From April 2010 to April 2011

NA

Police Reports:

From April 2010 to April 2011

NA

San Francisco Plot Information:

This premise is located in Plot 716

184 Police Reports were recorded for this plot in 2010

This plot is 37 Police Report(s) under the citywide average (plus 20%) of 221 Police Reports.

State Census Tract Information:

This premise is located in Census Tract 427

Population for this tract is: **5513**

On-sale license authorized by census tract: **18**

Active on-sale licenses: **20** with **0** pending

Off-sale licenses authorized by census tract: **6**

Active off-sale licenses: **7** with **1** pending

Departmental Recommendation:

Points of consideration:

No opposition from **Richmond Station**

Applicant premise is **not** located in a "high crime" area.

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

No Record of protest.

No Record of support.

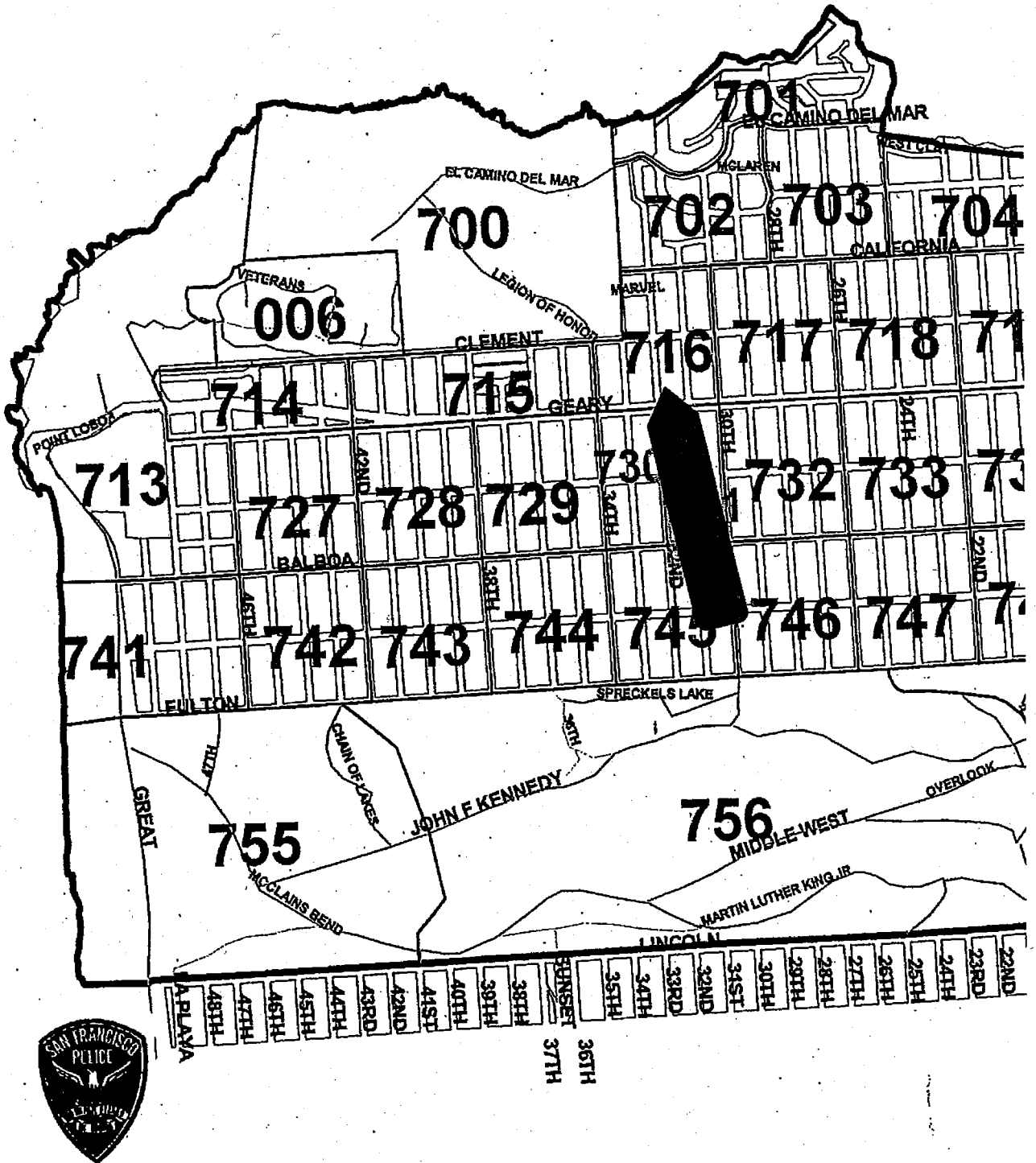
ALU Recommendation: Approval with Conditions

1. Sales of alcoholic beverages shall be permitted only between the hours of 10:00 a.m. to 10:00 p.m. daily.
2. No more than 5% of the square footage of the premises will be used for the display of alcoholic beverages.
3. Noise no noise shall be auditable beyond the area under the control of the licensee.
4. The petitioner shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
5. 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.
6. Loitering (loitering is defined as "to stand idly about; linger aimlessly without lawful business") is prohibited on the parking lot, sidewalks or property adjacent to the licensed premises under the control of the licensee as depicted on the ABC-257, dated _____.
7. No person under the age of 21 shall sell or deliver alcoholic beverages.

8. No malt beverage shall be sold with an alcoholic content great than 5.7% by volume.
9. The sale of beer or malt beverages in quantities of 16 oz., 22 oz., 32 oz., 40 oz., or similar size containers is prohibited.
10. No beer or malt beverages shall be sold in quantities of less than manufacturer pre-packaged six (6) 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.
11. 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.
12. Wine shall not be sold in bottles or containers smaller than 750 ml.
13. The licensee shall maintain a digital electronic surveillance system in the area where alcoholic beverages are on display. Said data shall be maintained for a period of no less than 30 days and made available to law enforcement upon request.

end.

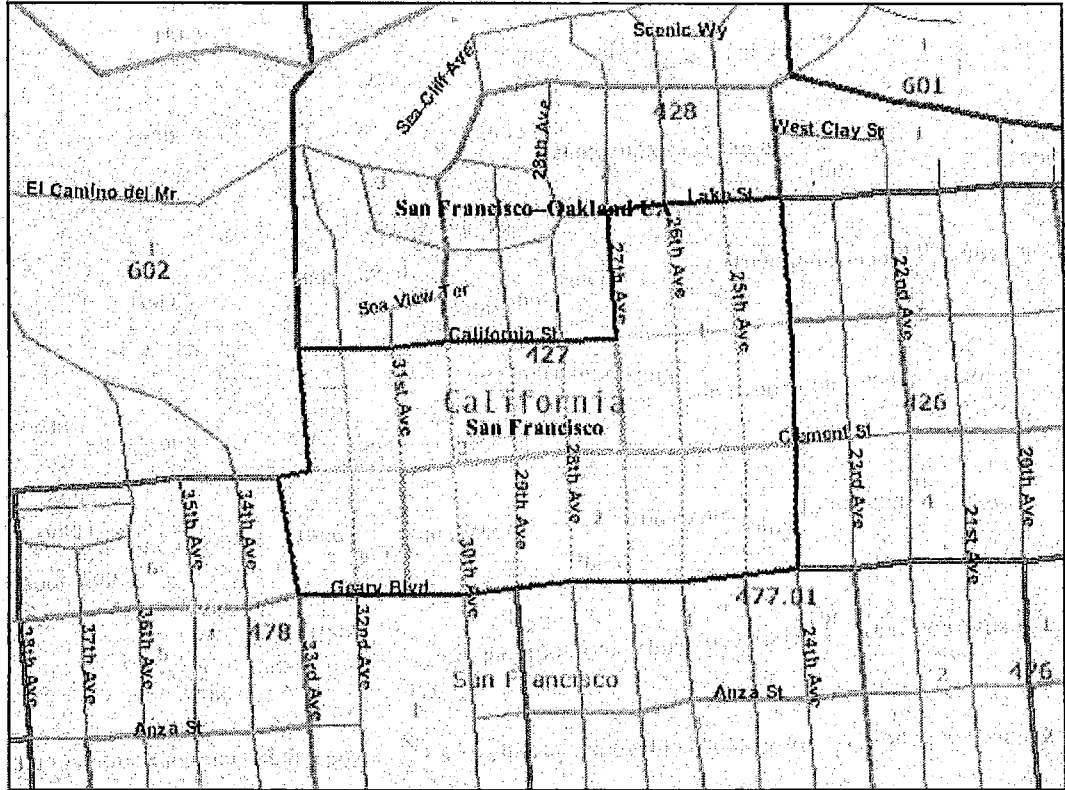
RICHMO Reporting Plc



San Francisco Police Department
August 21, 2002

Census Tract 427, San Francisco County, California

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



1.1 mile across

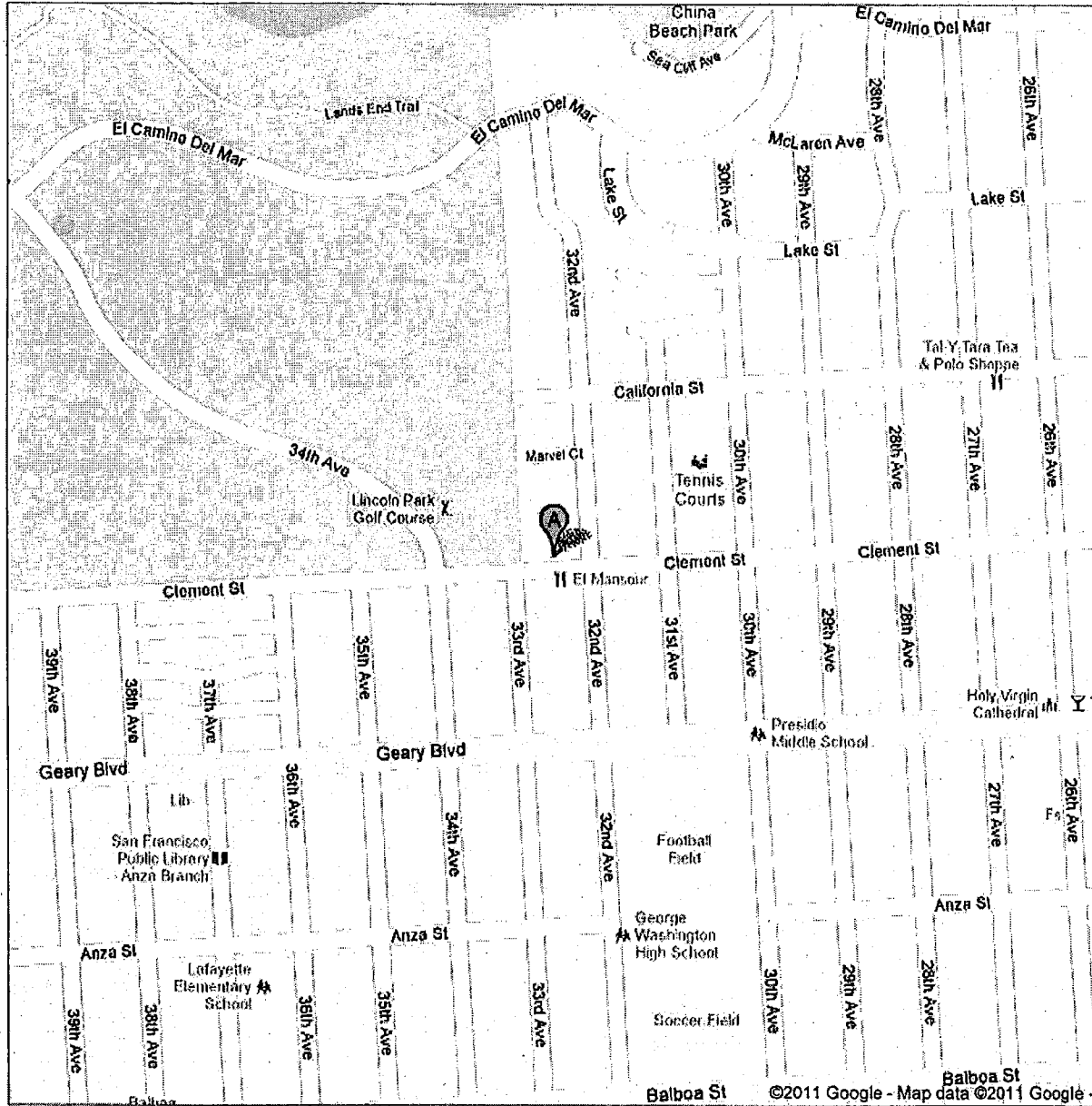
Close



Address 3132 Clement St
San Francisco, CA 94121

Get Google Maps on your phone

Text the word "GMAPS" to 466453



DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

PUBLIC NOTICE OF APPLICATION TO SELL ALCOHOLIC BEVERAGES

APPLICANT GARFIELD BEACH GAS AND OIL SERVICE DRUGS STORES CALIFORNIA LLC
 TYPE OF LICENSE 20 - Off Sale Beer & Wine
 BUSINESS NAME CVS Pharmacy 4675
 ADDRESS OF PREMISES NMC 52nd Ave. & Howard St., San Francisco, CA 94121
 APPLICANT HAS FILED FOR: NEW LICENSE PERMITS TO PREMISES TRANSFER
 CHANGE IN LICENSE PRIVILEGES

IF A VERIFIED PROTEST IS TO BE MADE AGAINST THIS APPLICATION, IT MUST BE RECEIVED BY ANY OFFICE OF THE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL, 1000 LYNNANE DRIVE, SUITE 100, SACRAMENTO 95834, WITHIN 30 DAYS OF DATE POSTED. PROTESTS MUST BE VERIFIED. FURTHER INFORMATION REGARDING THIS APPLICATION AND VERIFICATION FORMS MAY BE OBTAINED AT:

SAN FRANCISCO DISTRICT OFFICE
 71 STATE STREET
 SAN FRANCISCO, CA 94102

WARNING

Every person who intentionally defaces, tampers with, or destroys this notice within 30 days from the date it was posted is subject to fine or imprisonment or both, under the provisions of Penal Code Section 410.6.

DATE POSTED: 02/22/2011
 PREMISES ARE (NOW) LICENSED TO SELL ALCOHOLIC BEVERAGES.

02/22/2011

