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Committee:	City Operations Services Comm	a & Neighborhood nittee	Date	3/12/12
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#### FILE NO. 120166

#### **RESOLUTION NO.**

[Liquor License Transfer – 351 California Street]

Resolution determining that the transfer of a Type 20 off-sale beer and wine license from 2339-3rd Street to 351 California Street (District 3), to LandMark Retail Group for CVS Pharmacy, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

WHEREAS, LandMark Retail Group is seeking the transfer of a Type 20 off-sale beer and wine license from 2339-3rd Street to 351 California Street for CVS Pharmacy; and.

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

WHEREAS, The Police Department recommends that the liquor license application be approved with conditions; now, therefore, be it

RESOLVED, That in accordance with Section 23958.4 of the California Business and Professions Code, the Board of Supervisors of the City and County of San Francisco hereby determines for the foregoing reasons that the transfer of a Type 20 off-sale beer and wine license to LandMark Retail Group, for CVS Pharmacy, will serve the public convenience or necessity of the people of the City and County of San Francisco.

Conditions: (1) Sales of alcoholic beverages shall be permitted only between the hours of 7:00 a.m. and 9:00 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) No malt beverage shall be sold with an alcoholic content greater than 5.7% by volume, except for

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microbrews, craft brews, organic and specialty malt products sold under such designations as stout, porter, IPA and ESB. This condition is intended to eliminate high alcohol, low-cost products that are frequently abused, but not prevent the sale of specialty and craft beer products. (4) The sales of single beer or malt beverages in quantities of 16 oz., 22 oz., 32 oz., 40 oz., or similar size containers is prohibited. (5) No beer or malt beverages, wine coolers or beer coolers shall be sold in quantities of less than manufacturer pre-packaged multi-unit quantities of four (4) or more. (6) No wine shall be sold with an alcoholic content of greater than 15% by volume except for "Dinner Wines" which have been aged two years or more and maintained in corded bottles. (7) Interior security cameras must be installed within the store and concentrated in the area of beer and wine products. These cameras will be monitored during store hours by on site management, CVS regional and corporate operations, and made available to the SFPD for a minimum of 30 days upon request. (8) In addition to security cameras, the interior store layout for the placement of beer and wine products will allow employees and management to monitor activities visually. (9) All checkouts will be equipped with electronic scan detection systems to control the sale of agerelated products and prompt cashiers to require proper identification before a sale is completed. (10) Loitering will be prohibited on the sidewalks adjacent to the store. Store management will be responsible for site security and for monitoring the sidewalks surrounding the store during hours of operation.

### REUBEN & JUNIUS ...

File # 120 166

February 16, 2012

Ms. Angela Calvillo Clerk of the Board San Francisco Board of Supervisors 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102 BOARD OF SUPERVISORS
2012 FEB 21 PM 3: 45

Re: Liquor License "PCN" Request - 351 California Street - CVS Pharmacy

Our File No.: 6483.13B

Dear Ms. Calvillo:

Our office represents LandMark Retail Group ("Landmark"), the project sponsor of a new CVS Pharmacy and convenience goods store located at the ground floor of 351 California Street (the "Project"). On November 22, 2011, the San Francisco Department of Building Inspection approved and issued a building permit for the Project. Tenant improvements are currently underway to prepare the space for CVS's operation.

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. 516980, See Form ABC-245, enclosed). The license would be transferred from the former Vino Volo, located at 2339 Third Street, to the CVS Pharmacy at 351 California 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 351 California Street.

The Project will establish a CVS Pharmacy at 351 California Street in the ground floor of a downtown office tower. The CVS Pharmacy would occupy approximately 9,009 square feet. 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).

The CVS Pharmacy will offer a wide variety of prescription drugs, groceries, and other convenience goods in a high density area of downtown San Francisco. 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. Area workers will have a new store that will provide a convenient, "one-stop" shopping experience. There are relatively few off-sale alcohol retailers in the area considering its high density. Only four retailers with

One Bush Street, Suite 600 San Francisco, CA 94104

tel: 415-567-9000 fax: 415-399-9480 Ms. Angela Calvillo February 16, 2012 Page 2

active licenses are located in the 94104 zip code. There are 13 such retailers in the adjacent 94111 zip code, but that area covers east of 94104 all the way to the bay and covers as far north as Pier 33. The reason there is an "undue concentration" of off-sale licenses is that the subject census tract 117 is relatively large for the downtown area and has one of the smallest populations of all census tracts in San Francisco, due to the lack of residences in the area. (See 2010 census tract information, enclosed.)

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 has already engaged the San Francisco Police Department regarding this off-sale license, and they are already developing a list of conditions to the license in order to ensure safe and responsible sale of beer and wine at this location.

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 Department of Alcoholic Beverage Control

#### **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.

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PART 1 - TO BE COMPLETED BY A	ABC				<u> </u>	
Garfield Beach CVS, LLC & I	l ongs Drug Stores Calif	ornia LLC				
2. PREMISES ADDRESS (Street number and name, of	city, zip code)			3. LICENSE TYPE		
351 California St., San Franc	cisco, CA 94104-2412			20	<u> </u>	
4. TYPE OF BUSINESS			,	Private Club		
Full Service Restaurant	Hofbrau/Cafeteria	Cocktail Lounge		H		
Deli or Specialty Restaurant	Comedy Club	Night Club		Ueterans Cl		
Cafe/Coffee Shop	Brew Pub	Tavern: Beer		Fraternal Cl		
Bed & Breakfast:	Theater	Tavern: Beer & Wine		Wine Tastin	g Room	
Wine only All		· · · · · · · · · · · · · · · · · · ·	<u>:</u>			
Supermarket	Membership Store	Service Station		Swap Meet/	Flea Market	
Liquor Store	Department Store	Convenience Market		Drive-in Dai	ry	
Drug/Variety Store	Florist/Gift Shop	Convenience Market w/	Gasoline			
Other - describe:		. · ·	<u> </u>			<del></del> -
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11. IS THE ABOVE CENSUS TRACT OVERCONCEN	ITRATED WITH LICENSES? (I.e., does the	ratio of licenses to population in the	census tract exceed	CIR LTO OF TICELISES	ta population in	
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No, the number of existing licenses is	s lower than the number allowed	· · · · · · · · · · · · · · · · · · ·		<del></del>		
12. DOES LAW ENFORCEMENT AGENCY MAINTAI	No (Go to Item #20)					
X Yes (Go to item #13)  13. CRIME REPORTING DISTRICT NUMBER	14. TOTAL NUMBER OF REPORTING	DISTRICTS	15. TOTAL NUMBI	R OF OFFENSES I	ALL REPORTI	NG DISTRICTS
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19 IS THE PREMISES LOCATED IN A HIGH CRIME	REPORTING DISTRICT? (i.e., has a 20%	greater number of reported crimes th	an the average numb	per of reported crimes	s as determined t	rom all crime
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a If "No" is checked in both item #	11 and item #19. Section 239 <u>58.</u>	4 B&P does not apply to thi	s application, ar	id no additional	information v	VIII be needed
on this issue. Advise the applicant	to bring this completed form to At	SC When ming the application				
b. If "Yes" is checked in either item	#11 or item #19, and the application	ant is applying for a non-reta	ail license, a reta	iil bona fide pub	lic eating pla	ce license, a
b. If "Yes" is checked in either item retail license issued for a hotel, mot beer manufacturer's license, or wine						
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FOR DEPARTMENT USE ONLY PREPARED BY (Name of Department Employee)						
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PART 2 - TO BE COMPLETED E	Y THE APPLICANT (If	box #20b is checked)		
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22. APPLICANT SIGNATURE			23. DATE SIGNED	
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24. WILL PUBLIC CONVENIENCE OR NECES	SITY BE SERVED BY ISSUANCE O	F THIS ALCOHOLIC BEVERAG	LICENSE?	
Yes	No		See Attached (i.e., letter, resolution, etc.)	
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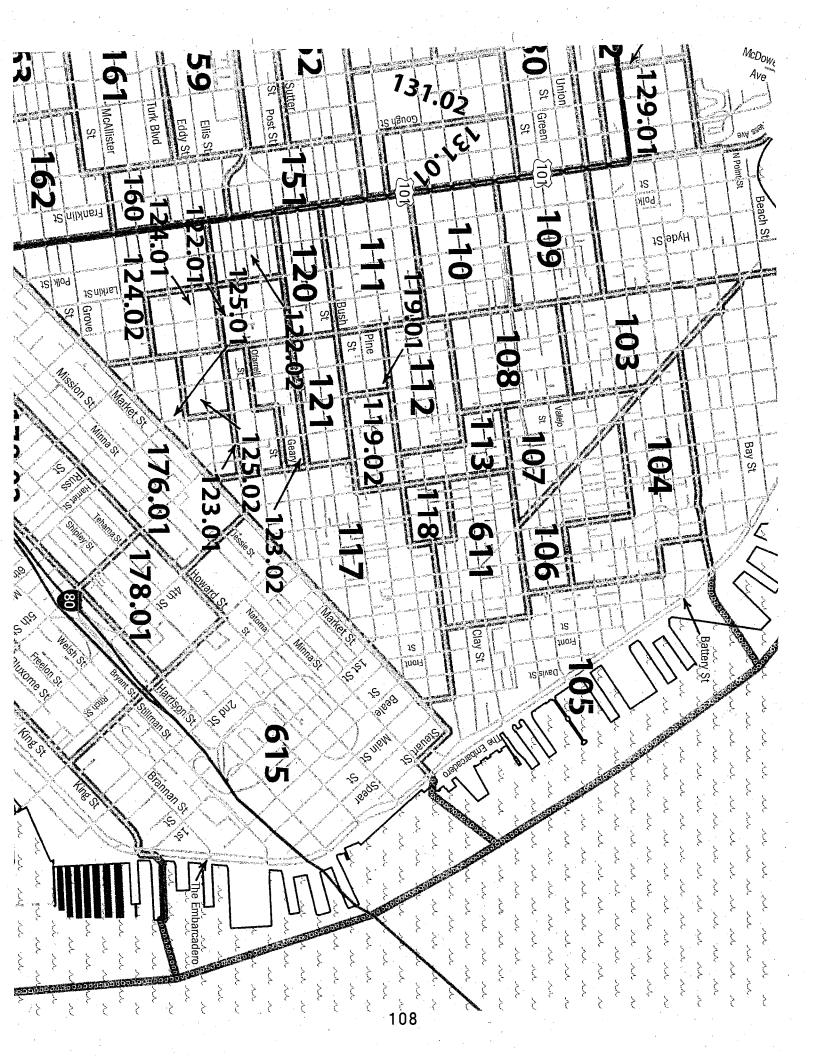
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## San Francisco Police Department ABC Liaison Unit



Alcoholic Beverage License -Public Convenience and Necessity Recommendation

To:

The San Francisco Board of Supervisors' Committee on City

Operations & Neighborhood Services

Supervisor Sean Elsbernd Supervisor Carmen Chu Supervisor Christina Olague

From:

Inspector Julie Lazar

ABC Liaison Unit (ALU) 553-1049

Date:

March 5, 2012

Subject:

P.C.N. Investigation Regarding:

Garfield Beach CVS LLC

DBA: CVS Pharmacy 7657

351 California Street LandMark Retail Group

Holly Grzywacz (818) 880-4400

LandMark Retail Group on behalf of CVS Pharmacy has filed an application with the California Department of Alcoholic Beverage Control seeking an original- Type 20 (Off-Sale Beer & Wine) license for 351 California Street (located on the southeast corner of California Street and Sansome Street).

#### Digest:

351 California Street is a commercial building with 16 floors. CVS Pharmacy will be located on the ground floor of this building. The projected grand opening date is April 29, 2012.

It should be noted that during the application process, notification date for the 500' mailer was on December 27, 2011. The Notice to the Public was posted on December 26, 2011. There is no record of letters of protest and no record of letters of support. For the purposes of this hearing the ABC seeks a determination from the Board of Supervisors as to the approval or denial of this license.

#### **Letters of Protest:**

No record

#### **Letters of Support:**

No record

#### Police Calls for Service:

From December 2010 to December 2011

36

#### Police Reports:

From December 2010 to December 2011

No Record

#### San Francisco Plot Information:

This premise is located in Plot 162

112 Police Reports were recorded for this plot in 2010

This plot has 103 Police Report(s) <u>under</u> the citywide average (plus 20%) of 215 Police Reports.

#### **State Census Tract Information:**

This premise is located in Census Tract 117

Population for this tract is: 1,747

On-sale license authorized by census tract: 7 Active on-sale licenses: 93 with 2 pending

Off-sale licenses authorized by census tract: 2 Active off-sale licenses: 21 with 1 pending

#### **Departmental Recommendation:**

Points of consideration:

No opposition from Central 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 w/conditions

- 1. Sales of alcoholic beverages shall be permitted only between the hours of 7:00 am and 9:00 pm daily.
- 2. No more than 5% of the square footage of the premises will be used for the display of alcoholic beverages.
- 3. No malt beverage shall be sold with an alcoholic content greater than 5.7% by volume, except for microbrews, craft brews, organic and specialty malt products sold under such designations as stout, porter; IPA and ESB. This condition is intended to eliminate high alcohol, low-cost products that are frequently abused, but not prevent the sale of specialty and craft beer products.
- 4. The sales of single beer or malt beverages in quantities of 16 oz., 22 oz., 32 oz., 40 oz., or similar size containers is prohibited.
- 5. No beer or malt beverages, wine coolers or beer coolers shall be sold in quantities of less than manufacturer pre-packaged multi-unit quantities of four (4) or more.
- 6. 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.



### CVS - Experience Matters

CVS is a neighborhood-serving business and a leader as a pharmacy health care provider. CVS offers integrated health care solutions across the entire spectrum of pharmacy care, which makes them uniquely positioned to provide greater access, to engage plan members in behaviors that improve their health, and to lower overall health care costs for health plans, plan sponsors, and their members.

At CVS, highly trained pharmacists are available to dispense prescriptions as well as helpful advice. CVS offers customers unparalleled access to quality health care services and caters the individual pharmacy and store to meet the needs of the surrounding community while bringing the same quality and services available at all their stores to each new location.

CVS successfully operates stores in communities throughout the greater Bay Area, where they provide alcohol products to customers as a matter of convenience. CVS has significant and longstanding experience with the sale of alcohol and engages at a local level with policymakers, the San Francisco Police Department, and the individual community members whom they serve to address store-specific agreements and conditions to address concerns raised with regard to off site alcohol sales.

CVS is a responsible vendor and takes the sale of alcohol and related age-restricted products very seriously with an effective training and management policy for controlling the sale of alcohol. As policy, CVS adheres to the following alcohol sales policies:

- No "nuisance alcohol" sales. CVS does not sell typical "problem" alcohol products such as individual beverages or "singles", beer or wine with alcohol content greater than 16% by volume, fortified liquors, sale of single cups or containers that may lead to loitering or consumption on or near the premise, etc. And in San Francisco, CVS has made a commitment to sell beer and wine only unless otherwise approved by the SFPD.
- Employee alcohol training program. This program, which is approved by the California Department of Alcohol and Beverage Control, must be completed by all CVS employees within 14 days of their hire and before they are permitted to operate the registers.
- Alcohol sales procedures. To prevent sales to anyone under the legal age who may look older than their age, employees must ask for proper identification to verify the age of any buyer under 27 before selling alcohol products. All checkouts are equipped with electronic scan detection systems to control the sale of age-restricted products and prompt cashiers to require proper identification before a sale is completed.
- Zero tolerance policy. Any employee knowingly or recklessly selling any age-restricted product to a minor or to an adult purchasing a product for a minor is subject to immediate disciplinary action up to and including termination.
- <u>Security cameras.</u> Security cameras are equipped throughout CVS pharmacies and particularly in the area of alcohol sales (which are limited to roughly 2% to 5% of the total floor area of a typical pharmacy). These cameras are constantly monitored by on site management, regional and corporate operations, and will be made available to the SFPD upon request.
- Store Layout & Design. The placement of beer and wine products is carefully planned to allow employees and management to monitor activities visually in addition to access to security cameras.

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EXPOIL 10 LIVEW	ew.							
Call No	Report No	Received Date	Received Time	Priority	Call Type	Unit ID	Disposition	Location
111470828		05/27/2011	50:60:60	S	585	3A1A	ADV	351 CALIFORNIA ST
111462201		05/26/2011	15:49:03	C	7A	3F44C		351 CALIFORNIA ST
111460731		05/26/2011	08:32:49		7A	3F44C	HAN	351 CALIFORNIA ST
111450690		05/25/2011	08:33:19	U	7A	3F44C	HAN	351 CALIFORNIA ST
111362913		05/16/2011	20:08:48	ញ	913	3A2D	HAN	351 CALIFORNIA ST
111353415		05/15/2011	22:27:30	മ	913	3A2E	PAS	351 CALIFORNIA ST
111350595		05/15/2011	06:21:59	В	913	3A1A	HAN	351 CALIFORNIA ST
111341115		05/14/2011	09:38:29	В	913	3A1A	UTL	351 CALIFORNIA ST
111320279		05/12/2011	03:10:45	<u>60</u>	913	3A12E	HAN	351 CALIFORNIA ST
111161856		04/26/2011	14:04:48	В	913			351 CALIFORNIA ST
111121279		04/22/2011	11:15:18	ပ	000	3A2C	ADV	351 CALIFORNIA ST
111092427		04/19/2011	16:11:15	I	000	•		351 CALIFORNIA ST
111071251		04/17/2011	11:25:43	В	613	3A2C	HAN	351 CALIFORNIA ST
111033780		04/13/2011	23:49:56	В	910	3A13E	ND	351 CALIFORNIA ST
111033435		04/13/2011	22:05:42	Ü	000			351 CALIFORNIA ST
111033091		04/13/2011	19:29:51	U	000			351 CALIFORNIA ST
111023220		04/12/2011	22:53:16	<b>—</b>	000			351 CALIFORNIA ST
111010740		04/11/2011	08:26:09	C	488		CANC	351 CALIFORNIA ST
110900587		03/31/2011	07:13:15	U	585	3A1B	ADV	351 CALIFORNIA ST
110651754		03/06/2011	14:02:07	В	601	3A2C	ABA	351 CALIFORNIA ST
110651625		03/06/2011	13:26:52	В	418	3A2A	ADV	351 CALIFORNIA ST
110651607		03/06/2011	13:21:52	U	601			351 CALIFORNIA ST
110500535		02/19/2011	06:24:24	В	913	3A1A	HAN	351 CALIFORNIA ST
110331137		02/02/2011	10:45:03	ပ	000			351 CALIFORNIA ST
110261909		01/26/2011	13:19:36	C	000		1.	351 CALIFORNIA ST
110261707		01/26/2011	12:30:18	U	000		,	351 CALIFORNIA ST
110261701		01/26/2011	12:28:56	رن	910			351 CALIFORNIA ST
103582678		12/24/2010	21:14:51		852	2R03A	ND	351 CALIFORNIA ST
103421128		12/08/2010	11:25:39	U	913			351 CALIFORNIA ST
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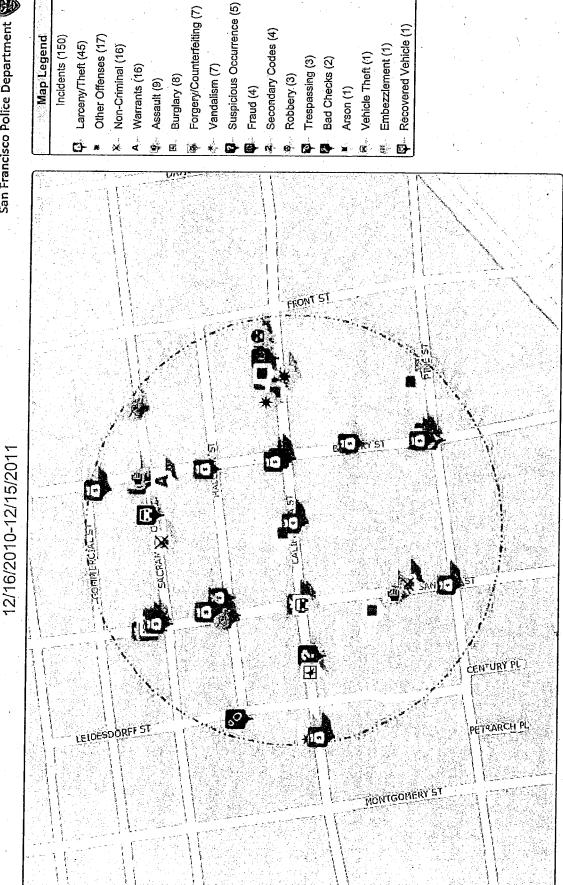
Records 1 through 7 of 7

Call No	Report No	Received Date	Received Time	Priority	Call Type	Unit ID	Priority   Call Type   Unit ID   Disposition	Location
113351502		12/01/2011	13:16:31	U	913	:		351 CALTEORNIA ST
113351483	,	12/01/2011	13:14:21	I	000			351 CALIFORNIA ST
113190616		11/15/2011	08:25:35	В	100A			351 CALIFORNIA ST
112721364		09/29/2011	11:30:38	ပ	601	3A46A	115	351 CALIFORNIA ST
112322980		08/20/2011	20:53:07	æ	100A	3A36	PAS	351 CALIFORNTA ST
112270943		08/15/2011	10:16:42	В		i	HAN	351 CALIFORNIA ST
111870130		07/06/2011	01:07:44	8	100A	3A12E	NCR	351 CALIFORNIA ST

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Map Legend

Incidents (150)

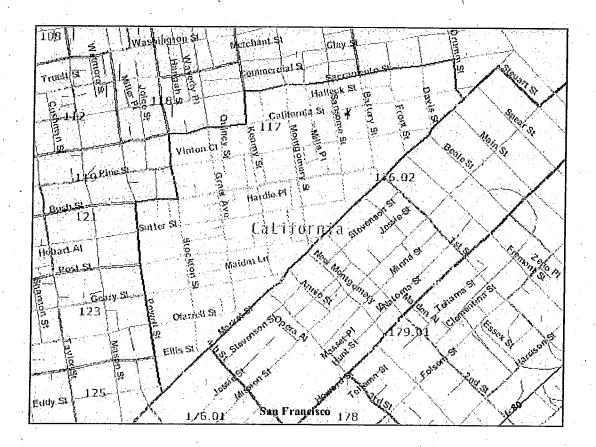


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WARNING: This map does not meet the national map accuracy standards.

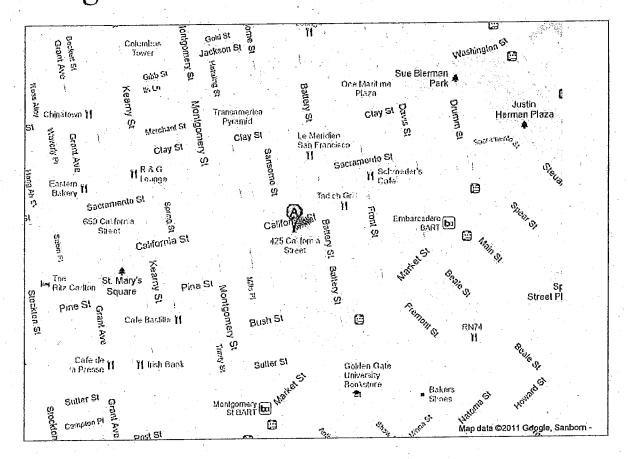
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Major Streets & Reporting Plots San Francisco Police Department August 2002 CENTRAL DISTRICT 991 168 100年 空中四十518 116



## Google

To see all the details that are visible on the screen, use the "Print" link next to the map.

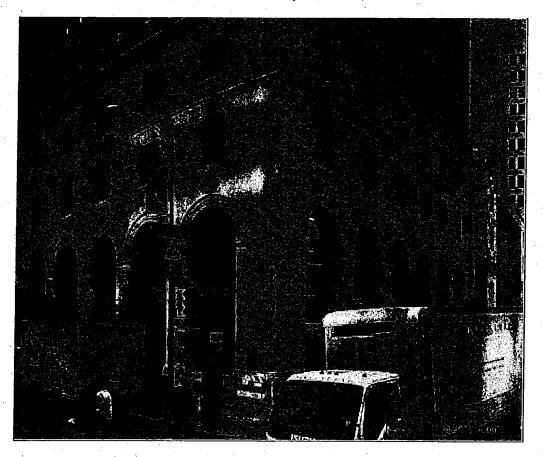


Google

Address 305 Sansome Street

Address is approximate

351 California Street CVS Pharmacy

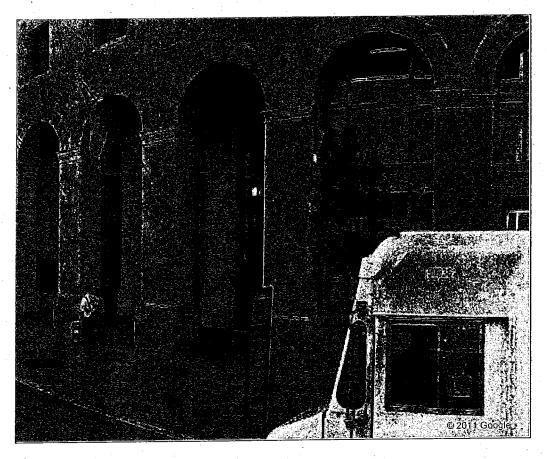


Google

Address 371 California Street

Address is approximate

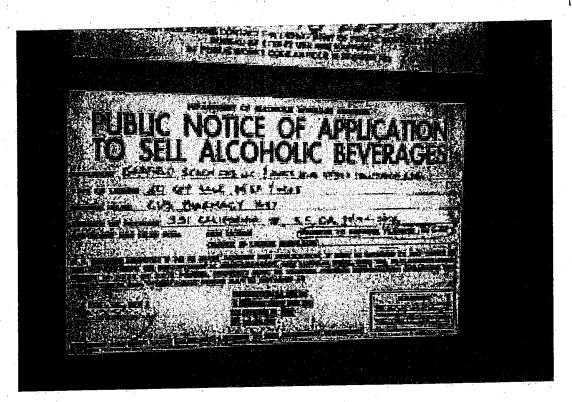
351 California Street
CVS Pharmacy



1/6/12



1/6/12



## LIQUOR LICENSE REVIEW

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TO:	Planning D				File: 12016	3	
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	Police Depa Fax No.: 5				Q 1000	11 1700 2/	E
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DATE:	February 2	7, 2012	•	·			
This item is	s scheduled to	be heard at	a meeting o	n April 9, 2	012. PLEASI		
EMAIL YO	UR RESPONS	SE BY: Apri	15, 2012, to	Gail Johns	son, Clerk, Cit	<b>/</b> • • • • • • • • • • • • • • • • • • •	
Operations	and Neighbor		es Committe ov.org - Fax		7744		
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Applicant			Retail Group				
and Busin	ess Name:	CVS Phan	macy (351 C	alifornia S	treet)		
Applicant	Address:	c/o John K	(evlin				
		•	Junius, LLP				
	•		Street, Suite				
and Phone	No.	San Franc (415) 567-	isco, CA 941	04			
and I home		(410) 001-	9000	• • •		X.	
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LL Review Referral Letter

7/23/09