

AMENDED IN BOARD
3/5/13

FILE NO. 120067

RESOLUTION NO.

1 [Liquor License Transfer - 135 Powell Street]

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3 **Resolution determining that the transfer of a Type 21 off-sale general license from**
4 **345 Eddy Street to 135 Powell Street (District 3), to Daniel J. Kramer of Haas**
5 **Najarian, LLP, for Walgreens Co., dba Walgreens, will serve the public**
6 **convenience and necessity of the City and County of San Francisco, in**
7 **accordance with California Business and Professions Code, Section 23958.4, and**
8 **recommending that the California Department of Alcoholic Beverage Control**
9 **impose conditions on the issuance of the license.**

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11 WHEREAS, Daniel J. Kramer of Haas Najarian, LLP, is seeking the transfer of a
12 Type 21 off-sale general license from 345 Eddy Street to 135 Powell Street, for
13 Walgreens Co., dba Walgreens; and,

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

16 WHEREAS, The Police Department has filed four (4) letters of protest and 14
17 letters of support with the Department of Alcoholic Beverage Control under California
18 Business and Professions Code, Section 24013, and recommends that the Department
19 of Alcoholic Beverage Control issue the liquor license with conditions; and

20 WHEREAS, The conditions recommended by the Police Department are as
21 follows: 1) Sales of alcoholic beverages shall be permitted Sunday through Saturday
22 between the hours of 9:00 a.m. and 12:00 a.m. (midnight) each day of the week; 2) No
23 more than 10% of the square footage of the premises will be used for the display of
24 alcoholic beverages; 3) No noise shall be audible beyond the area under control of the
25 license; 4) The petitioner shall be responsible for maintaining free of litter the area

1 adjacent to the premises over which they have control; 5) The exterior of the premises
2 shall be equipped with lighting of sufficient power to illuminate and make easily
3 discernible the appearance and conduct of all persons on or about the premises.
4 Additionally, the position of such lighting shall not disturb the normal privacy and use of
5 any neighboring residences; 6) Loitering (defined as “to stand idly about; linger
6 aimlessly without lawful business”) is prohibited on any sidewalks or property adjacent
7 to the licensed premises under the control of the licensee as depicted on the ABC-257
8 dated September 18, 2012; 7) No person under the age of 21 shall sell or deliver
9 alcoholic beverages; 8) The sale of distilled spirits in sizes smaller than 200ml is strictly
10 prohibited; 9) No sales of malt liquors or ice beers; 10) Beer, malt beverages, and wine
11 coolers of 16oz. or less cannot be sold in single containers, and must be sold in
12 manufacturers’ pre-packaged multi-unit quantities; 11) No wine shall be sold with the
13 alcohol content greater than 15% by volume except “Dinner Wines” which have been
14 aged two years or more and maintained in corked bottles; 12) Wine shall not be sold in
15 bottles or containers smaller than 750ml; 13) Uniformed security shall be present on the
16 premises during the hours of sales of alcoholic beverages; and 14) The petitioner shall
17 utilize electronic surveillance and recording equipment that is able to view the outside of
18 the premises, including all entrances and exits, and that is actively monitored and
19 recorded. This electronic surveillance shall be utilized during operating hours. Said
20 electronic recording shall be kept at least 30 days and shall be made available to the
21 Department and Police Department upon demand; and

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1 WHEREAS, After working with the Board of Supervisors, Walgreens agreed to
2 purchase two liquor licenses, one in the Tenderloin and one from a premises located in
3 a census tract with undue concentration in either District 3 or District; and

4 WHEREAS, Walgreens also agreed to additional voluntary conditions as
5 described in a letter included in this file and dated February 21, 2013, from the law firm
6 Strike & Techel; now, therefore, be it

7 RESOLVED, That in accordance with California Business and Professions Code,
8 Section 23958.4, the Board of Supervisors of the City and County of San Francisco
9 hereby determines for the foregoing reasons that the transfer of a Type 21 off-sale
10 general license from 345 Eddy Street to 135 Powell Street, to Daniel J. Kramer of Haas
11 Najarian, LLP, for Walgreens Co., dba Walgreens, will serve the public convenience
12 and necessity of the City and County of San Francisco; and, be it

13 FURTHER RESOLVED, That the Board of Supervisors of the City and County of
14 San Francisco hereby endorses and adopts the recommendations of the Police
15 Department listed above, and recommends that the Department of Alcoholic Beverage
16 Control issue the license with those conditions.

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