File No. <u>170513</u>	Committee Item No. 2 Board Item No. 3
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Prepared by	y: John Carroll	Date:	July 6	6, 2017	
		-		13, 2017	
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5

[Liquor License Transfer - 799 Beach Street]

Resolution determining that the transfer of a Type 20 off-sale beer and wine license Garfield Beach CVS, LLC, dba CVS, located at 799 Beach Street (District 2), 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.

WHEREAS, Garfield Beach CVS, LLC, dba CVS is seeking the transfer of a Type 20 off-sale beer and wine license located at 799 Beach Street (District 2); and

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

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

WHEREAS, The conditions recommended by the Police Department are the following: 1) sales of alcoholic beverages shall be permitted between the hours of 8:00 a.m. and 11:00 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) the sales of beer or malt beverages in quantities of 16 ounces, 22 ounces, 32 ounces, 40 ounces, or similar size containers is prohibited; 4) no beer, malt beverages, or wine coolers in containers of 16 ounces or less shall be sold by single containers, but must be sold in manufacturer prepackaged multi-unit quantities; 5) no malt beverage shall be sold with an alcoholic

content greater than 5.7% by volume; 6) wine shall not be sold in bottles or containers smaller than 750 milliliters; 7) no wine shall be sold with an alcoholic content of greater than 15% by volume; 8) 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 within 72 hours following the beginning of the next week day; and 9) loitering (defined as "to stand idly about; linger aimlessly without lawful business") is prohibited on any sidewalks of property adjacent to the licensed premises under the control of the licensee as depicted on the ABC-275; now, therefore, be it

RESOLVED, That in accordance with California Business and Professions Code, Section 23958.4, the Board of Supervisors of the City and County of San Francisco hereby determines that the transfer of a Type 20 off-sale beer and wine license to Garfield Beach CVS, dba.CVS, located at 799 Beach Street (District 2), will serve the public convenience or necessity of the City and County of San Francisco; and, be it

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

Carroll, John (BOS)

From:

John Kevlin <jkevlin@reubenlaw.com>

Sent:

Wednesday, July 12, 2017 1:37 PM

To: Cc: Ronen, Hillary; Fewer, Sandra (BOS); Sheehy, Jeff (BOS)

Cuinta at

Jessica Berg (JBerg@bergdavis.com); Luis Cuadra; Major, Erica (BOS); Carroll, John (BOS)

Subject:

CVS Pharmacy - 799 Beach Street ABC license

Categories:

2017.07.12 - PSNS. 170513

Supervisors Ronen, Fewer and Sheehy,

Thank you for your consideration and recommendation of approval of the Type-20 beer and wine sales license at the new CVS Pharmacy at 799 Beach Street. I wanted to follow up with you on several of the questions you had this morning that we were unable to answer with clarity. Please do not hesitate to send me any additional questions.

- 1. The Type 20 license we are transferring to the 799 Beach Street store is coming from the existing CVS location at 377 32nd Ave. The 377 32nd Ave store is <u>not</u> closing. Rather, it was approved for a transfer of a Type 21 license (beer, wine and liquor) from the closed, adjacent Fresh & Easy in March of this year.
- 2. The following two CVS stores in San Francisco closed in April 2017:
 - a. 1760 Ocean Avenue (CVS moved within Target store at 1830 Ocean Ave)
 - b. Market/Noe (Old Tower Records site)

Like I said, please don't hesitate to reach out to me directly with any additional questions you have.

John

REUBEN, JUNIUS & ROSE, LLP

John Kevlin, Partner T. (415) 567-9000 F. (415) 399-9480 jkevlin@reubenlaw.com www.reubenlaw.com

SF Office:

Oakland Office:

One Bush Street, Suite 600 San Francisco, CA 94104 827 Broadway, Suite 205 Oakland, CA 94607



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San Francisco Police Department ABC Liaison Unit



Alcoholic Beyerage License -Public Convenience and Necessity Recommendation

To:

The San Francisco Board of Supervisors' Committee on Public Safety

and Neighborhood Services

Supervisor Hillary Ronen Supervisor Jeff Sheehy Supervisor Sandra Lee Fewer

From:

A/C Lieutenant Nelly Gordon

Bgl. G. George #992 () U

Officer in Charge

ABC Liaison Unit (ALU) 415-553-1115

Date:

July 5, 2017

Subject:

P.C.N. Investigation Regarding:

Garfield Beach CVS, LLC

DBA: CVS Pharmacy#11004

799 Beach Street John Kevlin

Mr. John Kevlin on behalf of Garfield Beach CVS, LLC; DBA: CVS Pharmacy # 11004 has filed an application with the California Department of Alcoholic Beverage Control seeking a -Type 20 (Off- Sale Beer and Wine) License for 799 Beach Street (located between Larkin Street and Hyde Street).

Hours of Operation:

7 Days a Week: 8:00 a.m.-11:00 p.m.

Digest:

CVS Pharmacy is a convenience store which will be located at 799 Beach Street in San Francisco Fisherman's Wharf area. CVS Pharmacy has several stores throughout the San Francisco bay area and three stores with Alcohol license one in the San Francisco Bay Area. If approved, this license will allow CVS Pharmacy to sell off-sale Beer and Wine.

Letters of Protest:

0 Valid Protest

Letters of Support:

0 Valid Support

Police Calls for Service:

From April 2016 to April 2017

0 calls for service

Police Reports:

From April 2016 to April 2017

0 police reports

San Francisco Plot Information:

This premise is located in Plot: 433

A High Crime area is defined as 78 or more police incident in a plot for the year of 2016.

This plot had 153 police incident for 2016, which is 75 over the Citywide "High Crime" average.

State Census Tract Information:

This premise is located in Census Tract: 102,00 Population for this tract is: 4,143

On-sale license authorized by census tract: 14 Active on-sale licenses: 21 with 0 pending

Off-sale licenses authorized by census tract: 3
Active off-sale licenses: 5 with 0 pending

Departmental Recommendation:

Points of consideration: 0

No opposition from Central Station

Applicant premise is located in a "High Crime" area.

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

- 0 Record of protest.
- 0 Record of support.

ALU Recommendation: Approval following conditions:

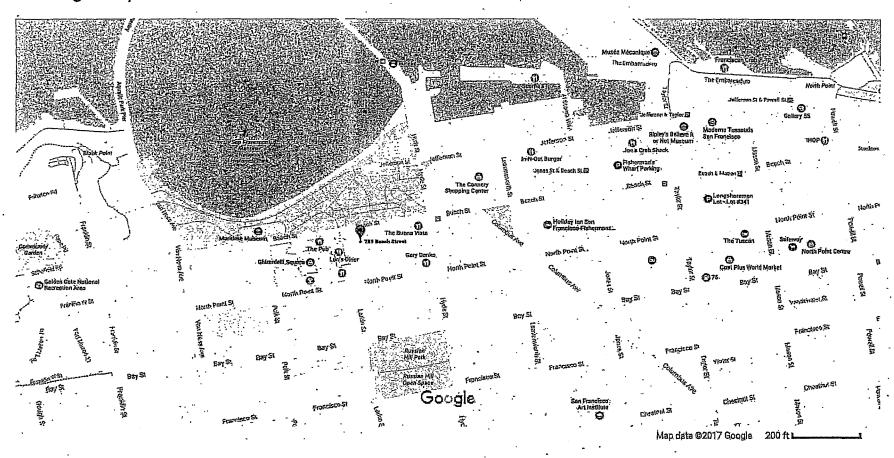
Conditions for Type 20 Off -Sale Beer and Wine

- 1. Sales of alcoholic beverages shall be permitted between the hours of 8:00 am to 11:00p.m.daily.
- No more than 5% of the square footage of the premise will be used for the display of the alcoholic beverages.
- The sales of beer or malt beverages in quantities of 16oz, 22oz, 32oz, 40oz, or similar size containers is prohibited.
- 4. No beer, malt beverages, and wine coolers in containers of 16oz or less cannot be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.
- 5. No mait beverage shall be sold with an alcoholic content greater than 5.7% by volume.
- 6. Wine shall not be sold in bottles or containers smaller than 750 ml.
- 7. No wine shall be sold with an alcoholic content of great than 15% by volume.

- 8. 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.
- 9. 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.
 - It should be noted that the Applicant agrees with the above recommended conditions.

End

Google Maps 799 Beach St



Google Maps 852 Beach St

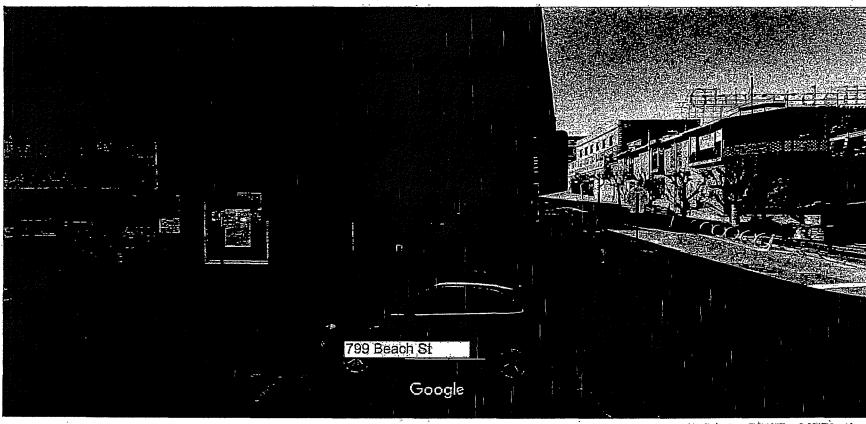


Image capture: Feb 2017 @ 2017 Google

San Francisco, California Street View - Feb 2017



RECEIVED LIQUOR LICENSE REVIEW

MAY -	L LUII INTY OF S.F. DEPARTMENT DEPARTMENT Planning Department AnMarie Rodgers/CTYPLN/SFGOV	File: 170513
NEIGHBORH	AnMarie Rodgers/CTYPLN/SFGOV	_
•	Georgia Powell/CTYPLN/SFGOV@SFGOV	Block /1 102 1012
	Fax No.: (415) 558-6409	71-200/009:0003/2104
•		13/och/lof: 0025/0124 Zoning: C-2
TO:	Police Department	
	Inspector Nelly Gordon Phone: (415) 837-7273	Qual:NE
	1 Holle: (410) 031-1210	Record #2017-00558
DATE:	May 2, 2017	LECONS # 70/400335

Applicant Name:

Garfield Beach CVS, LLC

and Business Name:

CVS (Pharmacy 11004)

Applicant Address:

799 Beach Street San Francisco, CA 94109

and Phone No.

(415) 567-9000

PLANNING COMMENTS: Approval Denial

Type 20 ABC License may be permitted as accessory to and in conjunction with a general grocery retail sales and service use within the C-Z

Pistrict per P.C. Sec. 210.1. Alcohol display and sale area not to exceed 15% of establishment's gross square tootage per P.C. Sec. 703.2(b)(1)(c)(vi).

POLICE GOMMENTS: Approval. Denial

Use established under BPA #2016.11.18.3087.

Andrew Penny 5/4/17

LL Review Referral Letter

LIQUOR LICENSE REVIEW

TO:		lgers/CTYPLI ell/CTYPLN/	N/SFGOV SFGOV@SFGOV	File: 170513
то:	Police Depar Inspector Ne Phone: (415)	lly Gordon		
DATE:	May 2, 2017	•		
PLEASE EM	IAÍL YOUR R leighborhood	ESPONSE B Services Con	Y: June 7, 2017, to	natter to be heard. Erica Major, Public -7771
Applicant N and Busines		Garfield Bea	ich CVS, LLC lacy 11004)	
Applicant A		799 Beach S San Francisc (415) 567-90	co, CA 94109	
PLANNIN	IG COMM	ENTS:	☐ Approval	☐ Denial
POLICE (COMMEN	ΓS:	☐ Approval	☐ Denial



File No. 170513 Received Via Email 5/23/17

May 23, 2017

Erica Major, Assistant Clerk Erica Major@sfgov.org Public Safety and Neighborhood Services Committee San Francisco Board of Supervisors

Nelly Gordon, Acting Lieutenant Nelly.Gordon@sfgov.org ABC Liaison Unit San Francisco Police Department

RE: CVS Pharmacy at Beach and Larkin

To whom it may concern:

Formed in 2005/2006, the Fisherman's Wharf Community Benefit District's (FWCBD) mission is to execute market research, brand and destination marketing, sidewalk operations, district beautification and order, traffic and urban planning, and emergency preparedness in order to preserve and enhance its vast San Francisco waterfront landscape and multi-cultural heritage, while integrating modern efficiencies to enrich the experience of visitors from both near and far. The organization is a 501(c)3 and has a 25-member board of directors.

The FWCBD would like to share our thoughts on the proposed CVS Pharmacy at Beach and Larkin. This corner has been vacant for quite some time, is quite run down and in desperate need of a quality tenant that is not providing redundant services for the district. With the recent loss of Walgreen's on Jones Street, the community is underserved for the essentials provided by such an establishment as well as a full-service pharmacy (there is currently only one in our 30-square block district).

One item that caused concern for our board was the sale of alcohol and liquor. However, those concerns were mitigated by the team representing the new location who presented 12 conditions, to be attached to their alcohol license, that addresses these concerns. They are as follows:

- 1. The hours of operation for the store are currently proposed to be 8 a.m. to 11 p.m. If CVS should decide to increase its hours due to customer demand, CVS would be prohibited from selling alcohol past 11 p.m. regardless of the hours of operation. Customer access to all alcohol will be restricted after 11 p.m. by using any combination of locked cooler cases, gondola covers, and/or physical barricades at the ends of the aisles where the product is located on the sales floor.
- No more than 5% of the square footage of the premises will be used for the display of alcoholic beverages.
- No malt beverage shall be sold with an alcoholic content greater than 5.7% by volume.
- 4. The sale of single beer or malt beverages in quantities of 16 oz., 22 oz., 32 oz., 40 oz., or similar size containers is prohibited.
- 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.
- 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.

2801 Leavenworth Street, Second Floor, Suite B-16 - San Francisco, CA 94133 T 415-673-3530 F 415-673-2527 www.visitfishermanswharf.com



- 7. Interior security cameras will be installed within the store and concentrated in the area of alcohol 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. External facing cameras will be installed and operated, focused on the perimeter of the store. Output from these cameras will be shared with the SFPD, upon request.
- 8. Interior store layout for the placement of alcohol products will be designed to allow employees and management to easily monitor activities visually.
- All checkouts will be equipped with electronic scan detection systems to control the sale of agerelated products and to prompt cashiers to require proper identification before a sale is completed.
- Loitering will be prohibited on adjacent sidewalks surrounding the store at all times. Store
 management will be responsible for site security and monitoring the property during hours of
 operation.
- 11. Store will provide a posted phone number to report site vandalism, loitering, or other concerns with mandated response to the person reporting the issue within forty-eight (48) hours. Vandalism and graffiti will be removed within twenty-four (24) hours of reporting and all other issues will be dealt with as expeditiously as possible.
- 12. The Type 20 alcohol license would be transferred from the CVS store located at 377 32nd Avenue to the CVS store at 799 Beach Street.

Therefore; we would like to share that we are supportive of the project if all these conditions are met.

Sincerely,

Troy Campbell
Executive Director

Cc: Supervisors Ronen, Sheehy and Fewer

REUBEN, JUNIUS & ROSE, LLP

BOARD OF SUPERVISORS SANFRAHCISCO

2017 APR 27 AM 10: 35

April 26, 2017

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

Liquor License "PCN" Request - 799 Beach Street - CVS

Our File No.: 7970.28B

Dear Ms. Calvillo:

Re:

Our office represents Boos Development West, LLC ("Boos"), the project sponsor of a new CVS retail store and pharmacy at 799 Beach Street (the "Project"). On November 18, 2016, Boos filed a building permit for the Project, and upon its issuance anticipates undertaking tenant improvements to prepare the space for CVS' operation.

Boos now seeks a type-20 off-sale beer and wine license from the California Department of Alcohol Beverage Control ("ABC"). Boos has filed an application with ABC on behalf of CVS for a license transfer (current License No. 508036 enclosed). The license would be 580851 transferred from the CVS store located at 377 32nd Avenue, to the CVS store at 799 Beach Street. Due to the overconcentration of this type of ABC license in this census tract and the Project's location in a high crime reporting district, Boos 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 799 Beach Street.

The Project will establish a CVS retail store and pharmacy at 799 Beach Street, an existing building at the northeast corner of Larkin and Beach Streets. The CVS would occupy approximately 10,000 square feet of ground and second floor space. The CVS would sell overthe-counter drugs, beauty products and cosmetics, photo finishing, seasonal merchandise, greeting cards, and groceries (such as milk, bread and eggs). The proposed hours of operation are 8 a.m. to 11 p.m. daily.

The CVS will offer a wide variety of convenience goods in the highly-travelled Russian Hill neighborhood adjacent to Ghirardelli Square. Adding beer, wine and liquor to the offerings of this CVS store would serve the public convenience and necessity of the neighborhood by increasing the variety of goods offered at this location. Area workers, residents and tourists will have a new store that will provide a convenient, "one-stop" shopping experience.

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin | John Kevlin Tuija I. Catalano | Jay F. Drake | Matthew D. Visick | Lindsay M. Petrone | Sheryl Reuben¹ Thomas Tunny | David Silverman | Melinda A. Sarjapur | Mark H. Loper | Jody Knight Chloe V. Angelis | Louis J. Sarmiento, Jr. | Corie A. Edwards | Jared Eigerman^{2,3} | John McInerney III²

1. Also admitted in New York 2. Of Counsel 3. Also admitted in Massachusetts

San Francisco Office One Bush Street, Suite 600, San Francisco, CA 94104 tel: 415-567-9000 | fax: 415-399-9480

Oakland Office 827 Broadway, Suite 205, Oakland, CA 94607 tel: 510-257-5589

www.reubenlaw.com

Ms. Angela Calvillo April 26, 2017 Page 2

Adding alcohol to the offerings of this CVS store would also serve the public convenience and necessity by establishing an alcohol 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 will be equipped throughout the store and particularly in the area of beer and wine sales, which will be monitored by on-site store management, CVS regional and corporate operations, and can be made available to the San Francisco Police Department upon request. The interior store layout for the placement of alcohol products will be designed to allow employees and management to easily monitor activities visually. Further, all checkouts will be 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.

CVS is committed operating a store at 799 Beach Street that is welcomed by the neighborhood. CVS has already engaged the local neighborhood group, the Fisherman's Wharf Community Benefits District (the "CBD"), and is currently working through the details of the operation to ensure it has no negative impacts on the neighborhood. CVS will also be meeting with the San Francisco Police Department regarding this off-sale license in the coming weeks to discuss any concerns they have.

For the reasons outlined above, I respectfully request that this letter be forwarded to the Public Safety 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 location.

Please contact me with any questions you have.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP

John Kevlin

San Francisco Office
One Bush Street, Suite 600, San Francisco, CA 94104
tel: 415-567-9000 | fax: 415-399-9480

Oakland Office 827 Broadway, Suite 205, Oakland, CA 94607 tel; 510-257-5589

REUBEN, JUNIUS & ROSE, LLP

www.reubenlaw.com



California Department of Alcoholic Beverage Control

License Query System Summary as of 5/2/2017

License Information

License Number: 580851

Primary Owner: GARFIELD BEACH CVS LLC

ABC Office of Application: 24 - SAN FRANCISCO

Business Name

Doing Business As: CVS PHARMACY 11004

Business Address

Address: 799 BEACH ST Census Tract: 0102.00

City: SAN FRANCISCO County: SAN FRANCISCO

State: CA Zip Code: 94109

Licensee Information

Licensee: GARFIELD BEACH CVS LLC

Company Information

OFFICER: CVS PHARMACY INC (MANAGING MEMBER)

OFFICER: MOFFATT, THOMAS (PRESIDENT)

OFFICER: CIMBRON, LINDA (SECRETARY/ASST SEC)

OFFICER: DESOUSA, KIMBERLY MARIE (SECRETARY/ASST SEC)

OFFICER: LUKER, MELANIE (SECRETARY/ASST SEC)

OFFICER: BEAULIEU, SHEELAGH MARY (TREASURER)

OFFICER: DENALE, CAROL ANN (VICE PRESIDENT/TREASURER)

MEMBER: CVS PHARMACY INC

Licensee: LONGS DRUG STORES CALIFORNIA LLC

Company Information

OFFICER: LONGS DRUG STORES LLC (MEMBER	₹)
OFFICER: MOFFATT, THOMAS (PRESIDENT)	
OFFICER: CIMBRON, LINDA (SECRETARY/ASSI	SEC)
OFFICER: DESOUSA, KIMBERLY MARIE (SECRI	ETARY/ASST SEC)
OFFICER: LUKER, MELANIE (SECRETARY/ASST	ΓSEC)
OFFICER: BEAULIEU, SHEELAGH MARY (TREA	SURER)
OFFICER: CLARK, JEFFREY EDWARD (TREASU	RER)
OFFICER: DENALE, CAROL ANN (VICE PRESID:	ENT/TREASURER)
MEMBER: LONGS DRUG STORES LLC	
License Types	
1) License Type: 20 - OFF-SALE BEER AND WINE	·
License Type Status: PENDING	
Status Date: 25-APR-2017 Term: 12 Month((s)
Original Issue Date: Expiration Date:	•
Master: Y Duplicate: 0 Fee Code: F	² 40
License Type was Transferred On: FROM: 21-50	<u>08036</u>
Operating Restrictions	
No Operating Restrictions found	
Current Disciplinary Action	
No Active Disciplinary Action found	
Disciplinary History	. ,
No Disciplinary History found	
Hold Information	
Hold Date: 25-APR-2017 Type: FORM 220	
Escrow	
No Escrow found	
<u> </u>	