File	No.	170848

Committee	ltem	No.	4
Board Item	No.	31	

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Comm: Public Safety & Neighborhood Service Board of Supervisors Meeting:	es Date: October 11, 2017 Date: October 17, 2017
Cmte Board	
Motion Resolution Ordinance Legislative Digest Budget and Legislative Analyst Youth Commission Report Introduction Form Department/Agency Cover Lette MOU Grant Information Form Grant Budget Subcontract Budget Contract/Agreement Form 126 – Ethics Commission Award Letter Application Public Correspondence	•
OTHER	
⊠ Police Department Recommend ⊠ Planning Department Approval - □ PC or N Referral - July 21, 2017 □ Applicant's PC or N Request Left	July 26, 2017
Prepared by: John Carroll Prepared by: John Carroll	Date: October 6, 2017 Date: October 12, 2017

[Liquor License - 150 Kearny Street - BevMo!]

Resolution determining that the transfer of a Type-21 off-sale general beer, wine, and distilled spirits license; the issuance of a Type-42 on-sale beer and wine public premises license; and the issuance of a Type-86 educational tasting license to Beverages & More, Inc., doing business as BevMo!, located at 150 Kearny Street (District 3), will not serve the public convenience or necessity of the City and County of San Francisco; and requesting that the California Department of Alcoholic Beverage Control deny the issuance of the licenses, in accordance with California Business and Professions Code, Section 23958.4.

WHEREAS, Beverages & More, Inc. is seeking the transfer of a Type-21 off-sale general beer, wine, and distilled spirits license; the issuance of a Type-42 on-sale beer and wine public premises license; and the issuance of a Type-86 educational tasting license for a proposed BevMo! located at 150 Kearny Street (District 3); and

WHEREAS, The site is located in an area with an undue concentration of liquor licenses; now, therefore, be it

RESOLVED, The transfer of a Type-21 off-sale general beer, wine, and distilled spirits license; the issuance of a Type-42 on-sale beer and wine public premises license; and the issuance of a Type-86 educational tasting license to Beverages & More, Inc., doing business as BevMol, located at 150 Kearny Street (District 3), will not 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 respectfully requests that the Department of Alcoholic Beverage Control deny the issuance of the licenses.

From:

Carroll, John (BOS)

Sent:

Thursday, September 07, 2017 10:29 AM

To:

Morales, Carolina (BOS); Barnes, Bill (BOS); Pagoulatos, Nick (BOS)

Cc:

Gordon, Nelly (POL); Dinh, Dawn (POL); George, Gigi (POL); Hepner, Lee (BOS); 'Angulo,

Sunny (sunny.angulo@sfgov.org)'; Rubenstein, Beth (BOS)

Subject:

Liquor License PC or N - 150 Kearny Street - BevMo!

Categories:

170848

Good morning,

The Police Department has completed their review of the subject application, and has forwarded their recommendation for approval with conditions. For your convenience, I have their review available from the link below:

Police Department Response - September 6, 2017

I invite you to review the entire matter on our <u>Legislative Research Center</u> by following the link below:

Board of Supervisors File No. 170848

Thanks for the review.

John Carroll
Assistant Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445 - Direct | (415)554-5163 - Fax
john.carroll@sfgov.org | bos.legislation@sfgov.org



Click here to complete a Board of Supervisors Customer Service Satisfaction form.

The Legislative Research Center provides 24-hour access to Board of Supervisors legislation and archived matters since August 1998,

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.



San Francisco Police Department **ABC Liaison Unit**



Alcoholic Beverage License -Public Convenience or 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/

Officer in Charge

ABC Liaison Unit (ALU) 415-837-7273

Date:

September 06, 2017

Subject:

P.C.N. Investigation Regarding:

Beverages & More, INC

DBA: BevMo
150 Kearny Street

San Francisco, CA. 94108

Liz Darrington (925) 609-6153

Ms. Liz Darrington on behalf of BevMo has filed an application with the California Department of Alcoholic Beverage Control seeking a -Type 21 (Off—Sale General), Type 42 (On-Sale Beer and Wine) and Type 86 (Instructional Tasting License) at 150 Kearny Street, (located between Sutter Street and Post Street.).

Hours of Operation:

7:00 am to 12:00 am daily.

Digest:

BevMo is a large retailer which will be located at 150 Kearny Street in San Francisco in the Central Station district. BevMo has several stores in the San Francisco area. If approved, this license will allow BevMo to sell Off-Sale Beer, Wine and Distilled Spirits, and conduct On-Sale Beer and Wine and Instructional Tastings.

Letters of Protest:

20- Valid Protest

Letters of Support:

0-Valid Support

Police Calls for Service:

From October 2015 to October 2016

4 call for service

Police Reports:

From October 2015 to October 2016

0 police report

San Francisco Plot Information:

This premise is located in Plot: 170

A High Crime area is defined as 106 or more police reports in a plot for the year of 2015.

This plot had 218 police reports for 2015, which is 112 more than the Citywide "High Crime" average.

State Census Tract Information:

This premise is located in Census Tract: 117.00

Population for this tract is: 1,783

On-sale license authorized by census tract: 6 Active on-sale licenses: 112 with 0 pending

Off-sale licenses authorized by census tract: 1 Active off-sale licenses: 19 with 0 pending

Departmental Recommendation:

Points of consideration: 0

No opposition from Central District

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

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

20-Record of protest.

0 - Record of support.

ALU Recommendation: Approval with following conditions

- 1. Sales of alcoholic beverages shall be permitted between the hours of 7:00 am to 12:00 am each day of the week.
- 2. No distilled spirits shall be sold in bottles or containers smaller than 200 ml.
- 3. The sales of beer or malt beverages in quantities of 40oz, or similar size containers is prohibited.
- 4. No pre-package beer or malt beverages shall be sold as single unit
- ❖ It should be noted that the Applicant agrees with the above recommended condition.

End

LIQUOR LICENSE REVIEW





JUL 21 2017

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TO:	Planning D		25001/	File: 1708	G STORMAN STANSON	
		odgers/CTYPLN/S well/CTYPLN/SF	COMMERCO	,		
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TO:	Police Dep		7	mir. C-	3-0	
		lelly Gordon 5) 837-7273				
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DATE:	July 21, 20	17	. /	2ecord#	2017-00	9430
Please sul	bmit your resp	onse in four to six	weeks for the	matter to be hea	ard.	
		RESPONSE BY:			arroll,	
Public Saf		borhood Services arroll@sfgov.org				
	JOIN1, C	arron@sigov.org	[- rax No. 55	4-0100		
			,			
Applicant						
Business	Name:	Beverages & I	viore, inc.		•	,
Application	on Address:	_150 Kearny Str	eet			
		San Francisco,				
and conta	ot info	Contact: Liz De	rrington			
anu coma	ici mio.	Contact: Liz Da Beverages & M	_			
		1401 Willow Pa	•			
		Concord, CA 9	4520			
	•	(925) 609-6153			•	
		darrington1@b	evmo.com		·	
	ING COM		Approval	☐ Denial		
ABC lice	ence type	21,42,7, the C-3	86 are p	ornitled w	ith Retail	Sab
9 Service	ux h	the C-3	-O Zonim	y Vijvict ip	would to	
PC	Section ?)(0.2. C	8	S FOUTOR	-515-916	67
POLICE	COMMEN	NTS:	Approval	☐ Denial	7/26/17	-

1401 Willow Pass Rd, Suite 900 • Concord, California 94520 • T 925.609.6153 • F 925.798.7150 • www.bevmo.com

VIA FEDERAL EXPRESS

July 20, 2017

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

RE: Request for "Public Convenience and Necessity" (PCN) Resolution 150 Kearny St., San Francisco, CA 94108

Dear Clerk of the Board,

Beverages & More, Inc. ("BevMo!") recently submitted an application to the California Department of Alcoholic Beverage Control ("ABC") for three liquor licenses (detailed below) required to operate a 4,850 square foot retail store at the above referenced premise. BevMo!'s use at this particular location is a permitted use; therefore, no conditional use permit is required from city planning. However, there is an overconcentration of on- and off-sale licenses in the census tract, triggering the requirement for a PCN from the San Francisco Board of Supervisors. This letter provides basic applicant information, as well as information about how BevMo! operates its stores. The ABC PCN form is also enclosed.

Applicant Information

Contact Information: Liz Darrington, 925-609-6153, darringtonl@bevmo.com

Business Name: Beverages & More, Inc. (BeyMo!)

Mailing Address: 1401 Willow Pass Road, Suite 900, Concord, CA 94520

License Types Applied for: Type 21, Type 42, Type 86

-Type 21 transferring from 3645 Lawton Street, San Francisco, CA

-Type 21 transferring to 150 Kearny Street, San Francisco, CA

-Type 42 and 86 are original licenses, not transferred.

Hours of Operation:

-Maximum Hours of Operation (per SFPD approved ABC Petition for Conditional License): Sunday-Saturday 7am-12am

-Regular Hours of Operation: Sundays 9am-8pm Monday-Thursday 9am-9pm Saturday & Friday 9am-10pm

1401 Willow Pass Rd, Suite 900 • Concord, California 94520 • T 925.609.6153 • F 925.798.7150 • www.bevmo.com Summary of Business and Operations

About BevMo!

BevMo! is the largest specialty retailer of wine in California and was awarded Retailer of the Year in 2006 by Wine Enthusiast, and in 2009 was awarded the Market Watch Leader Award for management. BevMo! offers a convenient and unique store for local residents to browse an extensive inventory of wine, spirits, beer, gourmet food and related items such as glassware and other wine accessories, which are not easily found elsewhere. A typical BevMo! store offers over 3,000 wines (1,000 from California), 1,200 specialty spirits, 600 beers (including a large selection of "craft" and imported beers), and over 2,000 "& More" products (cheese, party accessories, caviar, etc.).

License Types

In addition to a license Type 21 for the off-premises sale of alcoholic beverages, BevMo! requires a license Type 42 (On-Sale Beer and Wine, Public Premises) for educational beer and wine tastings and a Type 86 (Educational Tasting License) for spirits tastings. BevMo! operates the tasting program in a manner consistent with educating the customer—it is not intended to be a bar or lounge atmosphere. Sample sizes (1oz samples of beer and wine, and a maximum of three ¼ oz samples of spirits samples per customer) and tasting hours are limited.

Responsible Corporate Policies

BevMo! is a responsible retailer with several policies designed to limit adverse impact to the communities in which stores are located, including:

- 1) Limited hours of operation, as noted above.
- 2) Cigarettes, products of abuse (e.g. 40oz malt liquors and low-priced screw-top fortified wines), lottery tickets, and pornographic material will not be sold.
- 3) BevMo! does not allow pay telephones, video/pinball games on the premises.
- 4) BevMo! posts and maintains professional quality signs which state "No Loitering", "No public drinking of alcoholic beverages", "Stop you must be 21 to enter unless accompanied by an adult."
- 5) Anyone who appears to be under the age 40 is carded. ID scanning equipment is used at every register. In addition, BevMo! utilizes a third party vendor which "secret" shops every store each month to ensure employees are following company policies.
- 6) BevMo! does not employ anyone under the age of 21 and we do not allow minors to enter the store unless they are accompanied by a parent or guardian.

Serving Public Convenience or Necessity

Approval of a PCN for this location would allow BevMo! to open in a neighborhood that is not currently served by a retailer like BevMo!.

1401 Willow Pass Rd, Suite 900 • Concord, California 94520 • T 925,609.6153 • F 925,798,7150 • www.bevmo.com

Off-Sale Licensees

Of the nineteen (19) off-sale licenses in this census tract, twelve (12) are Type 21 licenses (allowing for the sale of beer, wine and spirits for off-premise consumption). Of these twelve (12), ten (10) are either no longer open (e.g., Moza Easy Shop), not currently offering alcoholic beverages for sell (e.g., Macy's) or operate a store with a significantly different business model (e.g., Hyatt, which operates a small snack gift shop with some alcoholic beverages; Sam's Cable Car, which is actually a bar or lounge and holds an on-premise bar license; The Whisky Shop, a shop specializing only in whisky products; and, several small bodega or deli-type establishments which do not carry a large selection or higher end items; and Target, which limits its alcohol selection to just 5% of the retail square footage). None of these retailers offer the same level of delivery service or the breadth of selection that BevMo! will offer. Furthermore, with the exception of The Whisky Shop (which holds a Type 86 for educational whisky tastings), none of these licensees hold a Type 42 license and none hold the Type 42/Type 86 license combination. Therefore, BevMo! would be the only off-sale retailer that also offers educational beer, wine and spirits tastings for its customers.

On-Sale

There are 112 on-sale licensees in this census tract. None of these licensees hold a Type 42 license, the others are bar and/or restaurant licenses. Therefore, BevMo! would be the only licensee in this census tract with a beer and wine public premise license. Furthermore, BevMo! utilizes this license to conduct educational beer and wine tastings (hosted either by trained BevMo! staff or in conjunction with a supplier) and, as noted above, these tastings are limited and the license will not be operated in the same manner as a bar or lounge.

In conclusion, BevMo!'s breadth of selection, delivery service, and educational tastings, sets BevMo! apart from the other retailers in this census tract and will provide a convenience to consumers in the area that does not currently exist. We, therefore, respectfully request approval of this application for a determination of Public Convenience or Necessity.

If you have any questions, please feel free to contact me at the number of email address listed below.

Sincerely.

Liz Darrington

Assistant General Counsel, BevMo!

925-609-6153

darringtonl@bevmo.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 A	AB	C		-					-		•
1. APPLICANT'S NAME					_	-					
Beverage & More, Inc. 2. PREMISES ADDRESS (Street number and name, or	rity :	zin cade)						3. LICENSE TYP	=		
150 Kearny St., San Francisc								21	_		•
4. TYPE OF BUSINESS		Liefe and Cofetania		المحامدة	١ ـ		****				
Full Service Restaurant	=	Hofbrau/Cafeteria .	-	Cocktail		unge		Private Clu			
Deli or Specialty Restaurant	=	Comedy Club Night Club						Veterans C			
Cafe/Coffee Shop	≍	Brew Pub Tavern: Beer						Fratemal C			
Bed & Breakfast		Theater	L_	Tavern:	Ве	er & Wine		Wine Tasti	ng	Room	
Wine only All											· •
Supermarket		Membership Store		Service S	Sta	tion		Swap Mee	t/Flo	ea Market	
Liquor Store		Department Store		Convenie	enc	ce Market		Drive-in Da	airy		
Drug/Variety Store		Florist/Gift Shop		Convenie	enc	ce Market w/	Gasoline				
Other - describe:											
5. COUNTY POPULATION		6. TOTAL NUMBER OF LICENSES IN	COL	1	Г	7	7. RATIO OF LICE	NSES TO POPULA	TIO	N IN COUNT	
866,583			L	On-Sale	L	Off-Sale	1086			On-Sale	X Off-Sale
8. CENSUS TRACT NUMBER 117		9. NO. OF LICENSES ALLOWED IN CE	ENS	1	Γ,	V]0" 0.1	10. NO. OF LICEN	SES EXISTING IN (CEN		Vara
11. IS THE ABOVE CENSUS TRACT OVERCONCEN		TED WITH LICENSEES file doon the		On-Sale	٠.		21	the ratio of licenses	Ų	On-Sale	X Off-Sale
X Yes, the number of existing licenses		• •	auc	of licenses	io p	opulation in the	coilens tract exceed	the rang of licenses	s 10 }	nobritanoti tot	the entire county?)
No, the number of existing licenses is		,								•	•
12. DOES LAW ENFORCEMENT AGENCY MAINTAIN				··· ··-· ··			•				
X Yes (Go to Item #13)		No (Go to Item #20)									
13. CRIME REPORTING DISTRICT NUMBER	1	4. TOTAL NUMBER OF REPORTING	DIS	TRICTS	_		15. TOTAL NUMBE	R OF OFFENSES	IN A	LL REPORT	NG DISTRICTS
170		653					53,160				
16. AVERAGE NO. OF OFFENSES PER DISTRICT	- l	7. 120% OF AVERAGE NUMBER OF	OFF	FENSES		į	18. TOTAL NUMBE	er of offenses	IN A	IEPORTING I	DISTRICT
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No, the total number of offenses in th			e t	otal numb	er	in item #17		•			•
20. CHECKTHE BOX THAT APPLIES (check only on			n 0	D da		ummbita thia	anntiachtan and		_£		, 11 ha waadad
a. If " <u>No"</u> is checked in both item #1 on this issue. Advise the applicant to								no addinonal ii	noi	manon w	i de Needed
b. If "Yes" is checked in either item	#11	or item:#19. and the applicant	t is	applying f	for	a non-retail	license, a retail	bona fide publi	се	atino place	e license, a
retail license issued for a hotel, mote	el or	other lodging establishment a	s d	lefined in	Se	ction 25503.	16(b) B&P, or a	retail license is	ssu	ed in conju	uction with a
beer manufacturer's license, or wine application or as soon as possible th	•		an	it to compi	et	e Section 2 a	ana oring the co	mpietea torm ti	DΑ	BC When 1	aling the
4,500				•							
X c, If "Yes" is checked in either item #	#11	or item #19, and the applicant	is	applying f	or	an off-sale b	eer and wine lid	ense, an off-sa	ale :	general lic	ense, an on-
sale beer license, an on-sale beer ar to the local governing body, or its de-	nd v	vine (public premises) license,	or de	an on-sale	e g	general (publi	ic premises) lice	ense, advise the	e <u>aı</u>	oplicant to	take this form
ABC in order to process the applicati			uy_	to nave in	GII	ii wilipicie <u>o</u>	ccuono. ine c	ompieted lottit	AAH	i lieed to t	e provided to
Governing Body/Designated Subordin	nate	Name: Board of Sup	er	visors							
FOR DEPARTMENT USE ONLY					_						
PREPARED BY (Name of Department Employee)							•			-	
ABC-245 (rev. 01-11)		<u> </u>						·········			
•											

PART 2 - TO BE COMPLET 11. Based on the information necessity would be served by	TO OVICE ABBLICANS		
11. Based on the information necessity would be served by	ED BY THE APPLICANT	(If box #20b is checked	·
this area. You may attach a	y the issuance of the lice	ense. Please describe belo	r application if you can show that public convenience or ow the reasons why issuance of another license is justified d. Do <i>not</i> proceed to Part 3.
	,		
•			
22. APPLICANT SIGNATURE			23, DATE SIGNED
PART 3 - TO BE COMPLET	ED BY LOCAL OFFICIA	LS (If box #20c is checke	d)
an over-concentration of lice Code). Sections 23958 and governing body of the area ir Jays of notification of a comp Please complete items #24 to etter on official letterhead st	nses and/or a higher than 23958.4 of the Business i 1 which the applicant prer bleted application that put o #30 below and certify o ating whether or not the i	I average crime rate as de and Professions Code req nises are located, or its de blic convenience or necess r affix an official seal, or at ssuance of the applied for	verages at a premises where undue concentration exists (if fined in Section 23958.4 of the Business and Professions uires the Department to deny the application unless the loc signated subordinate officer or body, determines within 90 sity would be served by the issuance. It is copy of the Council or Board resolution or a signed license would serve as a public convenience or necessity.
	•	*** *	
24. WILL PUBLIC CONVENIENCE OR NE	ECESSITY BE SERVED BY ISSUANCE	DE OF THIS ALCOHOLIC BEVERAGE	LICENSE? See Attached (i.e., letter, resolution, etc.)
L1 es 25. Additional comments, if desiri	·	l or denial of public convenience or ne	
			
_			
			
6. CITY/COUNTY DFFICIAL NAME	27. CITY/COUNTY O	IFRICIAL TITLE	28. CITY/COUNTY OFFICIAL PHONE NUMBER
IS. CITY/COUNTY OFFICIAL NAME CITY/COUNTY OFFICIAL SIGNATURI		FFICIAL TITLE	28. CITY/COUNTY OFFICIAL PHONE NUMBER 30. DATE SIGNED

Department of Alcoholic Beverage Control

State of California Edmund G. Brown Jr., Governor

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 A	RC .			·				
1. APPLICANT'S NAME								
Beverage & More, Inc.	•							
2. PREMISES ADDRESS (Street number and name, cit	y, zlp code)		[5	I. LICENSE TYPE				
150 Kearny St., San Francisco	o CA 94108-4802			42				
Full Service Restaurant	Hofbrau/Cafeteria	Cocktail Lounge	. [Private Club				
Deli or Specialty Restaurant	Comedy Club	Comedy Club Veterans Club						
Cafe/Coffee Shop	Brew Pub	Brew Pub Tavern: Beer Fraternal Club						
Bed & Breakfast:	Theater	Tavem: Beer & Wine	· · [Wine Tasting Room				
Wine only All	:							
Supermarket	Membership Store	Service Station	[Swap Meet/Flea Market				
Liquor Store .	Department Store	Convenience Market		Drive-in Dairy				
Drug/Variety Store .	Florist/Gift Shop	Convenience Market wa	/Gasoline					
Other - describe:								
5. COUNTY POPULATION	6. TOTAL NUMBER OF LICENSES IN	COUNTY		SES TO POPULATION IN COUNTY				
866,583		On-Sale Off-Sale	279	X On-Sale Off-Sale				
8. CENSUS TRACT NUMBER	9. NO. OF LICENSES ALLOWED IN CI		I .	ES EXISTING IN CENSUS TRACT				
117	6	X On-Sale Off-Sale.	131	X On-Sale Off-Sale				
11. IS THE ABOVE CENSUS TRACT OVERCONCENT X Yes; the number of existing licenses ex		ratio of licenses to population in the	census tract exceed th	e ratio of licenses to population for the entire county?) .				
No, the number of existing licenses is I	lower than the number allowed							
12. DOES LAW ENFORCEMENT AGENCY MAINTAIN	CRIME STATISTICS?							
X Yes (Go to Item #13)	No (Go to Item #20)							
13. CRIME REPORTING DISTRICT NUMBER	14. TOTAL NUMBER OF REPORTING	DISTRICTS		OF OFFENSES IN ALL REPORTING DISTRICTS				
170 16. AVERAGE NO. OF OFFENSES PER DISTRICT	653	OFFENSES	53,160	OF OFFENSES IN REPORTING DISTRICT				
81	97	OFFEROLG	188	: OF OFFENOED BY REPORTING DISTRICT				
19. IS THE PREMISES LOCATED IN A HIGH CRIME R	1	reater number of reported crimes th		of reported crimes as determined from all crime				
reporting districts within the jurisdiction of the local la		oods the total number in its	m #17					
X Yes, the total number of offenses in the								
No, the total number of offenses in the 20, CHECK THE BOX THAT APPLIES (check only one		le total fluttibel (it lietti #17						
	and item #19, Section 23958.4	B&P does not apply to this C when filing the application	application, and n	o additional information will be needed				
b. If "Yes" is checked in either item # retail license issued for a hotel, motel beer manufacturer's license, or winegr application or as soon as possible the	or other lodging establishment a rower's license, advise the <i>applic</i>	is defined in Section 25503.	.16(b) B&P, or a n	etail license issued in conjuction with a 🕟				
sale beer license, an on-sale beer and	I wine (public premises) license, ignated subordinate officer or bo	or an on-sale general (publ	lic premises) licen	nse, an off-sale general license, an on- se, advise the <u>applicant to take this form</u> mpleted form will need to be provided to				
Governing Body/Designated Subordina	ate Name: Board of Sur	pervisors						
FOR DEPARTMENT USE ONLY PREPARED BY (Name of Department Employee)								
ABC-245 (rev. 01-11)								

PART 2 - TO BE COMPLETED B	Y THE APPLICANT (If box #	20b is checked)	·	
?1. Based on the information on the decessity would be served by the this area. You may attach a separate the served by the serv	the reverse, the Department missuance of the license. Pleas	nay approve your applica	asons why issuance of another li	onvenience or cense is justified in
	.1		· · · · · · · · · · · · · · · · · · ·	
	· · · · · · · · · · · · · · · · · · ·			•
			·	
				
22. APPLICANT SIGNATURE			23. DATE SIGNED	·
PART 3 - TO BE COMPLETED B			at a promine whore under cone	antrollen aviete (i a
The applicant named on the revers an over-concentration of licenses: Code). Sections 23958 and 23958 governing body of the area in whic days of notification of a completed Please complete items #24 to #30 letter on official letterhead stating v	application that public conver application that public conver below and certify or affix an o whether or not the issuance of	ocated, or necessity would itence or necessity would flicial seal, or attach a crift the applied for license v	d be served by the issuance, on the served by the issuance, opy of the Council or Board resolvould serve as a public convenient	ermines within 90 ution or a signed nce or necessity.
•				
24. WILL PUBLIC CONVENIENCE OR NECESSIT Yes	Y BE SERVED BY ISSUANCE OF THIS AL		ached (i.e., letter, resolution, etc.)	•
25. ADDITIONAL COMMENTS, IF DESIRED (may	include reasons for approval or denial of pu	ublic convenience or necessity):		•
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26. CITY/COUNTY OFFICIAL NAME	27. CITY/COUNTY OFFICIAL TITLE	<u>.</u>	28. CITY/COUNTY OFFICIAL PHONE NUM	BER
. CITY/COUNTY OFFICIAL SIGNATURE			30. DATE SIGNED	
ABC-245 REVERSE (rev. 01-11)	· · · · · · · · · · · · · · · · · · ·			

Beymo!

PSNS Clark.

1401 Willow Pass Rd., Suite 900 • Concord, California 94520 • T 925.609.6074 • F 925.798.7150 • www.bevmo.com

VIA HAND DELIVERY

City and County of San Francisco Board of Supervisors – Public Safety & Neighborhood Services Committee 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102 Attention: John Carroll, Clerk

Re:

Beverages & More, Inc. - 150 Kearny Street

Letter of Public Convenience or Necessity Request

Dear Supervisors:

As you may know, the proposed BevMo! project located at 150 Kearny Street is on the agenda at your next hearing on October 11th. However, I wanted to reach out to you earlier to provide you with some additional details, as well as my contact information in the event you have any questions regarding our project prior to the hearing. Additionally, we are aware that some misinformation is circulating and I want to be sure that you are comfortable with our assurances. Our standard hours will be 9:00 a.m. to 10 p.m. (The SF Police Department has proposed longer hours than we would ever utilize.) However, during the holidays, it is possible that there will be slightly extended hours as is the custom in the retail industry.

Additionally, BevMo! has several company-wide policies which have contributed greatly to our reputation for being a good neighbor and a responsible retailer. In addition to our general policies that were outlined in our application, we have agreed to the following special conditions that are specific to this store:

- 1) We will not sell spirits in "mini" or "airplane bottle" containers
- 2) We will not sell 40oz containers of beer or malt liquor
- 3) This store will have a dedicated security guard during business hours

As noted above, we have also committed to limited hours at this location, 9:00 a.m. to 10 p.m. We have worked extensively with the Police Department to gain their support and have also met with Swords to Plowshares. We are very happy to report we have addressed the concerns Swords to Plowshares originally shared with us and they withdrew their opposition to our liquor license application.

Finally, we wish to clarify how our beverage tastings are conducted. We charge for any beer and wine tastings, which are limited to 1 oz. pours, and all proceeds are donated to charities. For spirit tastings, State Law prohibits us from charging, but tastings consist of a maximum of three 1/4 oz. pours per day per person and all of the above tastings have an educational component.

As a company, we pride ourselves on adhering to the highest standards of the industry, often leading in introducing responsible measures. We are committed to the communities in which we operate and are dedicated to our efforts in San Francisco.

1401 Willow Pass Rd., Suite 900 • Concord, California 94520 • T 925.609.6074 • F 925.798.7150 • www.bevmo.com

If you have any questions, please feel free to call me at 925-334-2420 or email me at darringtonl@bevmo.com. Thank you for your time and consideration.

Regards,

Liz-Darrington

Assistant General Counsel, BevMo

darringtonl@bevmo.com

925-334-2420

From:

Carroll, John (BOS)

Sent:

Monday, August 28, 2017 9:37 AM

To:

Ronen, Hillary; Sheehy, Jeff (BOS); Fewer, Sandra (BOS)

Cc:

'Calvillo, Angela (angela.calvillo@sfgov.org)'; Somera, Alisa (BOS); Morales, Carolina (BOS); (carolyn.goossen@sfgov.org); Allbee, Nate; Barnes, Bill (BOS); Hamilton, Megan (BOS); Jones, Justin (BOS); Boilard, Chelsea (BOS); Pagoulatos, Nick (BOS); Yu, Angelina (BOS);

'Angulo, Sunny (sunny angulo@sfgov.org)'; 'arabgrocersassn@gmail.com';

'mannaa.moe@gmail.com'

Subject:

RE: Opposition to File # 170848 - Liquor License - 150 Kearny Street - BevMo!

Categories:

170848

Greetings:

The office of the Clerk of the Board of Supervisors has received four comment letters from the Arab Grocers Association concerning the consideration of findings of public convenience or necessity for a liquor license transfer at 150 Kearny Street. Please find the comment letters linked together below:

Comment Letters - August 28, 2017

The letters are now added to the public file for the matter.

I invite you to review the entire matter on our Legislative Research Center by following the link below:

Board of Supervisors File No. 170848

Regards,

John Carroll
Assistant Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445 - Direct | (415)554-5163 - Fax
john.carroll@sfgov.org | bos.legislation@sfgov.org



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From:

Arab Grocers Association <arabgrocersassn@gmail.com>

nt:

Saturday, August 26, 2017 11:47 AM

٥:

Sheehy, Jeff (BOS)

Cc:

Subject:

Carroll, John (BOS); Barnes, Bill (BOS) Opposition to File # 170848 - Liquor License - 150 Kearny Street - BevMo!

Attachments:

Opposition to File 170848 - AAGA.docx

Categories:

170848

Letter in Opposition to Bevmo Liquor License.

Sincerely,

The Arab American Grocers Association



Arab American Grocers Association (AAGA) 200 Valencia St, San Francisco, CA 94103

Supervisor Jeff Sheehy
City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco
CA 94102

Re: Opposition to File # 170848 - BevMo, Liquor License at 150 Kearny Street

August 22, 2017

Dear Supervisor Sheehy,

Bevmo (Beverages & More, Inc), is proposing to transfer a full liquor store license from the Outer Sunset District to Downtown San Francisco. Bevmo has also applied for an on-sale beer & wine bar license, and a full alcohol tasting license at the proposed location of 150 Kearny Street. On behalf of the Arab Grocers Association I would like to register with you our opposition to this project and these license applications. We are concerned that this "big box" deep discount retail nature of Bevmo will cause further detrimental harm to our many downtown local independent retailers.

This area of Kearny Street is already afflicted by homelessness, severe traffic congestion and an undue concentration of ABC licenses. This location proposed by Bevmo is considered a high crime district in San Francisco according to the San Francisco Police Department. This is a high-crime area, so the addition of a large "big box" discount liquor store such as Bevmo has the potential for causing more crimes. The issuance of this license would most likely aggravate the law enforcement problems already prevalent in the area.

Because of this over concentration of bars and liquor store options in this area, there is no need for yet another alcohol purveyor. A few blocks away there are two Target stores, and a Trader Joes which generally offer the same discounted products as a Bevmo. There is no Public Convenience or Necessity being served.

Please consider our opposition to this application. The area is already over-concentrated with liquor licenses, there is no Public Convenience being served, and there is no necessity for another liquor retailer in this neighborhood. The denial of this application would certainly serve to protect the public welfare and would demonstrate support of small independent grocers whom have been serving this district for generations.

Sincerely, The Arab American Grocers Association

From:

Arab Grocers Association <arabgrocersassn@gmail.com>

nt:

Saturday, August 26, 2017 11:53 AM

ر:

Ronen, Hillary

Cc:

Morales, Carolina (BOS); Carroll, John (BOS)

Subject:

Opposition to File # 170848 - Liquor License - 150 Kearny Street - BevMo!

Attachments:

Opposition to File 170848 - AAGA.docx

Categories:

170848

Letter in Opposition to File # 170848

Sincerely,

The Arab American Grocers Association



Arab American Grocers Association (AAGA) 200 Valencia St, San Francisco, CA 94103

Supervisor Hillary Ronen City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco CA 94102

Re: Opposition to File # 170848 - BevMo, Liquor License at 150 Kearny Street

August 22, 2017

Dear Supervisor Ronen,

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Sincerely,
The Arab American Grocers Association

From:

Arab Grocers Association <arabgrocersassn@gmail.com> Saturday, August 26, 2017 11:55 AM

nt:

):

Fewer, Sandra (BOS)

Cc:

Subject:

Pagoulatos, Nick (BOS); Carroll, John (BOS) Opposition to File # 170848 - Liquor License - 150 Kearny Street - BevMol

Attachments:

Opposition to File 170848 - AAGA.docx

Categories:

170848

Letter in Opposition to File # 170848

Sincerely,

The Arab American Grocers Association



Arab American Grocers Association (AAGA) 200 Valencia St, San Francisco, CA 94103

Supervisor Sandra Fewer City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco CA 94102

Re: Opposition to File # 170848 - BevMo, Liquor License at 150 Kearny Street

August 22, 2017

Dear Supervisor Fewer,

Bevmo (Beverages & More, Inc), is proposing to transfer a full liquor store license from the Outer Sunset District to Downtown San Francisco. Bevmo has also applied for an on-sale beer & wine bar license, and a full alcohol tasting license at the proposed location of 150 Kearny Street. On behalf of the Arab Grocers Association I would like to register with you our opposition to this project and these license applications. We are concerned that this "big box" deep discount retail nature of Bevmo will cause further detrimental harm to our many downtown local independent retailers.

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Please consider our opposition to this application. The area is already over-concentrated with liquor licenses, there is no Public Convenience being served, and there is no necessity for another liquor retailer in this neighborhood. The denial of this application would certainly serve to protect the public welfare and would demonstrate support of small independent grocers whom have been serving this district for generations.

Sincerely, The Arab American Grocers Association

From:

Arab Grocers Association <arabgrocersassn@gmail.com>

\nt:

Saturday, August 26, 2017 11:59 AM

ა:

Cc: Subject: Peskin, Aaron (BOS) Angulo, Sunny (BOS); Carroll, John (BOS); mannaa.moe@gmail.com

Opposition to File # 170848 - Liquor License - 150 Kearny Street - BevMo!

Attachments:

Opposition to File 170848 - AAGA.docx

Categories:

170848

Letter in Opposition to File # 170848

Sincerely,

The Arab American Grocers Association



Arab American Grocers Association (AAGA) 200 Valencia St, San Francisco, CA 94103

Supervisor Aaron Peskin City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco CA 94102

Re: Opposition to File # 170848 - BevMo, Liquor License at 150 Kearny Street

August 22, 2017

Dear Supervisor Peskin,

Bevmo (Beverages & More, Inc), is proposing to transfer a full liquor store license from the Outer Sunset District to Downtown San Francisco. Bevmo has also applied for an on-sale beer & wine bar license, and a full alcohol tasting license at the proposed location of 150 Kearny Street. On behalf of the Arab Grocers Association I would like to register with you our opposition to this project and these license applications. We are concerned that this "big box" deep discount retail nature of Bevmo will cause further detrimental harm to our many downtown local independent retailers.

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Please consider our opposition to this application. The area is already over-concentrated with liquor licenses, there is no Public Convenience being served, and there is no necessity for another liquor retailer in this neighborhood. The denial of this application would certainly serve to protect the public welfare and would demonstrate support of small independent grocers whom have been serving this district for generations.

Sincerely, The Arab American Grocers Association

From:

Carroll, John (BOS)

ıt:

Friday, August 25, 2017 3:21 PM

Rudy Corpuz Jr.

Subject:

FW: Re: Opposition to BevMo File #170848

Categories:

170848

Good afternoon, Mr. Corpuz,

I forgot to copy you on the below message. My apologies. The matter is now forwarded to the members of the Public Safety and Neighborhood Services Committee.

Regards,

John Carroll Assistant Clerk

Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445 - Direct | (415)554-5163 - Fax
john.carroll@sfgov.org | bos.legislation@sfgov.org



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From: Carroll, John (BOS)

Sent: Friday, August 25, 2017 3:19 PM

To: Ronen, Hillary hillary.ronen@sfgov.org; Sheehy, Jeff (BOS) jeff.sheehy@sfgov.org; Fewer, Sandra (BOS)

<sandra.fewer@sfgov.org>

Cc: 'Calvillo, Angela (angela.calvillo@sfgov.org)' <angela.calvillo@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Morales, Carolina (BOS) <Carolina.Morales@sfgov.org>; (carolyn.goossen@sfgov.org) <carolyn.goossen@sfgov.org>; Allbee, Nate <nate.allbee@sfgov.org>; Barnes, Bill (BOS) <bill.barnes@sfgov.org>; Hamilton, Megan (BOS) <megan.hamilton@sfgov.org>; Jones, Justin (BOS) <justin.jones@sfgov.org>; Boilard, Chelsea (BOS) <chelsea.boilard@sfgov.org>; Pagoulatos, Nick (BOS) <nick.pagoulatos@sfgov.org>; Yu, Angelina (BOS) <Angelina.Yu@sfgov.org>; 'Angulo, Sunny (sunny.angulo@sfgov.org)' <sunny.angulo@sfgov.org>

Subject: Re: Opposition to BevMo File #170848

Greetings:

The office of the Clerk of the Board of Supervisors has received three comment letters from Rudy Corpuz, Jr., on behalf of United Playaz, concerning the consideration of findings of public convenience or necessity for a liquor license transfer at 150 Kearny Street. Please find the comment letters linked together below:

Comment Letters - August 25, 2017

The letters are now added to the public file for the matter.

I invite you to review the entire matter on our <u>Legislative Research Center</u> by following the link below:

Board of Supervisors File No. 170848

Regards,

John Carroll
Assistant Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445 - Direct | (415)554-5163 - Fax
john.carroll@sfgov.org | bos.legislation@sfgov.org



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From:

Rudy Corpuz Jr. <up94life@yahoo.com>

nt:

Friday, August 25, 2017 2:25 PM

J:

Ronen, Hillary

Cc:

Morales, Carolina (BOS); Carroll, John (BOS)

Subject:

Opposition to BevMo File#170848

Attachments:

bevmo opposition ronen.pdf

Categories:

170848

Dear Supervisor Ronen,

I hope you are well! Attached please find a letter of opposition to BevMo's File #170848. Please feel free to contact me if you have any questions or require additional information.

In peace,

Rudy



1038 Howard Street · San Francisco, CA 94103

www.unitedplayaz.org

Supervisor Hillary Ronen City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102

August 25, 2017

Dear Supervisor Ronen,

I am writing to you in opposition to Bevmo File #170848, ABC Liquor Licenses, 150 Kearny St. The "big box" discount liquor store, Bevmo, which already has a giant store on Van Ness, is trying to move into an area which is already served by bars as well as liquor, beer and wine stores. This particular applicant wants a Type 42 on-site bar beer and wine license, a Type 21 off-sale liquor license that was previously located out near Ocean Beach, and a free drinks Type 86 Instructional Tasting License. The attempted transfer of the license from so far outside the district to the downtown area, which is already over-concentrated with alcohol licenses, is just not acceptable. Their proposed location is just a block away from the Stanford Hotel, which is a formerly homeless home for veterans operated by Swords to Ploughshares. In my opinion, this is a dreadful idea. Imagine the appeal of the Bevmo 5-cent wine sale to many of its' residents already troubled by alcohol abuse and addiction?

For more than twenty years, United Playaz has provided Soma, Tenderloin and Downtown area youth with after school activities and workshops, keeping them off the streets. From academic enrichment, violence prevention, after school programs, community and crisis response services, case management, workforce developments, events and workshops, United Playaz has reached many youth and adults and has been a vital resource in the neighborhood. I am proud of the community and broad support network we have built around the United Playaz and the welcome reception it has received among so many officials in the City. As part of our mission, we do our best to monitor the neighborhoods we serve and try to ensure that the neighborhoods we operate in are safe and promote positive, healthy behaviors. This particular space could be better utilized, and I am writing today to protest the use of this space as a bar and a liquor store offering free tastings of alcohol every day.

Please consider my opposition to this license application. The area is already over-concentrated with alcohol licenses, there is no Public Convenience being served, and there is absolutely no Necessity for another liquor retailer to move from a different part of the city to this neighborhood that is oversaturated.

Sincerely,

Rudy Corpuz Jr.

Rudy Corpus (

Founder and Executive Director of United Playaz

From:

Angulo, Sunny (BOS)

nt:

Friday, August 25, 2017 2:34 PM

: د

Rudy Corpuz Jr.; Peskin, Aaron (BOS)

Cc:

Carroll, John (BOS)

Subject:

Re: Opposition to BevMo File #170848

Categories:

170848

Thanks, Rudy.

Sunny

Sent from my T-Mobile 4G LTE Device

----- Original message -----

From: "Rudy Corpuz Jr." <up94life@yahoo.com>

Date: 8/25/17 2:31 PM (GMT-08:00)

To: "Peskin, Aaron (BOS)" <aaron.peskin@sfgov.org>

Cc: "Angulo, Sunny (BOS)" <sunny angulo@sfgov.org>, "Carroll, John (BOS)" <john.carroll@sfgov.org>

Subject: Opposition to BevMo File #170848

ar Supervisor Peskin,

I hope you are well! Attached please find a letter of opposition to BevMo's File #170848. Please feel free to contact me if you have any questions or require additional information.

In peace,

Rudy



1038 Howard Street · San Francisco, CA 94103

www.unitedplayaz.org

Supervisor Aaron Peskin City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102

August 25, 2017

Dear Supervisor Peskin,

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Please consider my opposition to this license application. The area is already over-concentrated with alcohol licenses, there is no Public Convenience being served, and there is absolutely no Necessity for another liquor retailer to move from a different part of the city to this neighborhood that is oversaturated.

Sincerely,

Rudy Corpuz Jr. -

Founder and Executive Director of United Playaz

From:

Rudy Corpuz Jr. <up94life@yahoo.com> Friday, August 25, 2017 2:30 PM

nt: j:

Cc:

Subject:

Sheehy, Jeff (BOS)
Barnes, Bill (BOS); Carroll, John (BOS)
Opposition to BevMo File #170848

Attachments:

bevmo opposition sheehy.pdf

Categories:

170848

Dear Supervisor Sheehy,

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In peace,

Rudy



1038 Howard Street · San Francisco, CA 94103

www.unitedplayaz.org

Supervisor Jeff Sheehy City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102

August 25, 2017

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Sincerely,

Rudy Corpuz Jr.

Rudy Corpuny J.

Founder and Executive Director of United Playaz

From:

Rudy Corpuz Jr. <up94life@yahoo.com>

nt:

Friday, August 25, 2017 2:29 PM Fewer, Sandra (BOS)

J:

Cc:

Pagoulatos, Nick (BOS); Carroll, John (BOS)

Subject:

Opposition to BevMo File #170848

Attachments:

bevmo opposition fewer.pdf

Categories:

170848

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In peace,

Rudy



1038 Howard Street · San Francisco, CA 94103

www.unitedplayaz.org

Supervisor Sandra Fewer City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102

August 25, 2017

Dear Supervisor Fewer, .

I am writing to you in opposition to Bevmo File #170848, ABC Liquor Licenses, 150 Kearny St. The "big box" discount liquor store, Bevmo, which already has a giant store on Van Ness, is trying to move into an area which is already served by bars as well as liquor, beer and wine stores. This particular applicant wants a Type 42 on-site bar beer and wine license, a Type 21 off-sale liquor license that was previously located out near Ocean Beach, and a free drinks Type 86 Instructional Tasting License. The attempted transfer of the license from so far outside the district to the downtown area, which is already over-concentrated with alcohol licenses, is just not acceptable. Their proposed location is just a block away from the Stanford Hotel, which is a formerly homeless home for veterans operated by Swords to Ploughshares. In my opinion, this is a dreadful idea. Imagine the appeal of the Bevmo 5-cent wine sale to many of its' residents already troubled by alcohol abuse and addiction?

For more than twenty years, United Playaz has provided Soma, Tenderloin and Downtown area youth with after school activities and workshops, keeping them off the streets. From academic enrichment, violence prevention, after school programs, community and crisis response services, case management, workforce developments, events and workshops, United Playaz has reached many youth and adults and has been a vital resource in the neighborhood. I am proud of the community and broad support network we have built around the United Playaz and the welcome reception it has received among so many officials in the City. As part of our mission, we do our best to monitor the neighborhoods we serve and try to ensure that the neighborhoods we operate in are safe and promote positive, healthy behaviors. This particular space could be better utilized, and I am writing today to protest the use of this space as a bar and a liquor store offering free tastings of alcohol every day.

Please consider my opposition to this license application. The area is already over-concentrated with alcohol licenses, there is no Public Convenience being served, and there is absolutely no Necessity for another liquor retailer to move from a different part of the city to this neighborhood that is oversaturated.

Sincerely,

Rudy Corpuz Jr.

Founder and Executive Director of United Playaz



VETS HELPING VETS SINCE 1974

August 9, 2017

Honorable Aaron Peskin City Hall 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102

Re: Opposition to File # 170848 - Liquor License - 150 Kearny Street - BevMo

Dear Supervisor,

Swords to Plowshares wishes to rescind our opposition to BevMo opening a store at 150 Kearny Street in San Francisco. A letter stating our opposition was sent to Supervisors Peskin and Kim, the State Department of Alcohol Beverage Control and the San Francisco Police Department on December 20, 2016, copy attached.

Since that time we have met with representatives of BevMo to discuss the reasons for our opposition. During that meeting BevMo assured us that they would not sell single-serving spirits at this outlet and that they would take other proactive steps that would be supportive in addressing our concerns regarding access to low cost alcohol at their establishment, including not selling alcohol to intoxicated individuals. Given that there are other liquor stores in the near vicinity that are not proactive in these ways, we have decided that our opposition to a business willing to take these steps is not appropriate.

Therefore, Swords to Plowshares wishes to rescind our letter of opposition.

Sincerely,

Leon Winston

Chief Operating Officer



VETS HELPING VETS SINCE 1974

December 20, 2016

Dept of Alcoholic Beverage Control Attn: Justin Gebb, District Director 33 New Montgomery Street, suite 1230 San Francisco, CA 94105

Re: Beverages & More "Bev Mo" application for off sale license at 150 Kearny Street.

San Francisco

Dear Director Gebb:

Swords to Plowshares operates the Stanford Hotel at 250 Kearny Street. San Francisco. Since 2014, the Stanford has been home to 131 veterans, all of whom are formerly chronically homeless and disabled. Many of these men and women struggle with substance abuse and alcoholism. Placing a low-cost alcohol emporium within a block of the hotel will certainly make it much easier for residents to acquire quantities of alcohol in a neighborhood that already has many liquor licenses, and will make our job of supporting these veterans in making healthy choices in their lives that much more difficult.

We strongly oppose this site for low-cost quantity alcohol sales and ask that you not move forward with an off-sale license for Bev Mo at 150 Kearny Street.

Sincerely,

Leon Winston

Chief Operating Officer

CC: Aaron Peskin, SF Board of Supervisors Jane Kim, SF Board of Supervisors Lieutenant Falzon, SF Police Dept.



Supervisor Aaron Peskin City Hall 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102

SUBJECT: Opposition to File #17848 - Liquor License - 150 Kearny Street - BevMo!

Supervisor Peskin,

I am the Chief Executive Director of Community Housing Partnership as the Community Housing Partnership which was founded over 20 years ago to help homeless people secure housing and become self-sufficient. We have a robust portfolio of over 1,000 housing units in the City with 300 more in the pipeline. Community Housing Partnership seeks to create environments where not only our residents will thrive but where all those in need can move towards their goals.

When I heard of a BevMo application for 150 Kearny, which is less than a block from The Stanford, a SRO building for formerly homeless veterans, I felt compelled to express my concerns. BevMo generally offers its customers alcohol at lower prices. The availability of cheap alcohol is an existing concern especially in these areas of high concentration; this would intensify a concern and create a number of issues for the neighborhood and for individuals trying to work their way out of homelessness and possibly alcoholism. A large outlet of cheap alcohol in this particular neighborhood which has many other alcohol stores already does not serve the public convenience and is clearly a bad idea for the community.

Please do not allow this application to move forward.

Sincerely,

Gail Gilman, Chief Executive Director of Community Housing Partnership

CC: Sunny Angulo

Carroll, John (BOS)

From:

Carroll, John (BOS)

Sent:

Friday, July 21, 2017 1:25 PM

To:

Rodgers, AnMarie; Powell, Georgia (CPC); Gordon, Nelly (POL)

Cc:

Hepner, Lee (BOS); 'Angulo, Sunny (sunny.angulo@sfgov.org)'; Rubenstein, Beth (BOS);

'darrington1@bevmo.com'

Subject:

Liquor License PC or N Referral - 150 Kearny Street - BevMo!

Good afternoon,

The office of the Clerk of the Board has received a letter requesting Public Convenience or Necessity recommendations for a liquor license issuance. This matter is being referred to you for response via the following linked document:

Referral Letter to Planning and Police Departments

I invite you to review the entire matter on our <u>Legislative Research Center</u> by following the link below:

Board of Supervisors File No. 170848

I request the department's response before September 1, 2017.

Thanks for the review.

John Carroll
Assistant Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445 - Direct | (415)554-5163 - Fax
john.carroll@sfgov.org | bos.legislation@sfgov.org



Click here to complete a Board of Supervisors Customer Service Satisfaction form.

The Legislative Research Center provides 24-hour access to Board of Supervisors legislation and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

LIQUOR LICENSE REVIEW

TO:	Planning De AnMarie Roo Georgia Pov Fax No.: (41	File: 170848						
TO:	Police Depa Inspector Ne Phone: (415	elly Gordon						
DATE:	July 21, 201	7						
PLEASE EN	Please submit your response in four to six weeks for the matter to be heard. PLEASE EMAIL YOUR RESPONSE BY: September 1, 2017, to John Carroll, Public Safety and Neighborhood Services Committee Clerk. john.carroll@sfgov.org - Fax No: 554-5163							
Applicant N Business N		Beverages	& More, Inc.					
Application	Address:	150 Kearny San Francis	Street co, CA 94108	•				
B 1 C (§		Contact: Liz Darrington Beverages & More, Inc. 1401 Willow Pass Road Concord, CA 94520 (925) 609-6153 darrington1@bevmo.com						
PLANNII	NG COMM	ENTS:	☐ Approval	Denial				
POLICE	COMMEN	TS:	☐ Approval	☐ Denial				

1401 Willow Pass Rd, Suite 900 • Concord, California 94520 • T 925.609.6153 • F 925.798.7150 • www.bevmo.com

VIA FEDERAL EXPRESS

July 20, 2017

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

RE: Request for "Public Convenience and Necessity" (PCN) Resolution 150 Kearny St., San Francisco, CA 94108

Dear Clerk of the Board,

Beverages & More, Inc. ("BevMo!") recently submitted an application to the California Department of Alcoholic Beverage Control ("ABC") for three liquor licenses (detailed below) required to operate a 4,850 square foot retail store at the above referenced premise. BevMo!'s use at this particular location is a permitted use; therefore, no conditional use permit is required from city planning. However, there is an overconcentration of on- and off-sale licenses in the census tract, triggering the requirement for a PCN from the San Francisco Board of Supervisors. This letter provides basic applicant information, as well as information about how BevMo! operates its stores. The ABC PCN form is also enclosed.

Applicant Information

Contact Information: Liz Darrington, 925-609-6153, darringtonl@bevmo.com

Business Name: Beverages & More, Inc. (BevMo!)

Mailing Address: 1401 Willow Pass Road, Suite 900, Concord, CA 94520

License Types Applied for: Type 21, Type 42, Type 86

-Type 21 transferring from 3645 Lawton Street, San Francisco, CA

-Type 21 transferring to 150 Kearny Street, San Francisco, CA

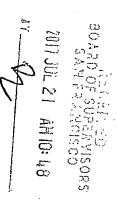
-Type 42 and 86 are original licenses, not transferred.

Hours of Operation:

-Maximum Hours of Operation (per SFPD approved ABC Petition for Conditional License): Sunday-Saturday 7am-12am

-Regular Hours of Operation: Sundays 9am-8pm

Monday-Thursday 9am-9pm Saturday & Friday 9am-10pm





1401 Willow Pass Rd, Suite 900 • Concord, California 94520 • T 925.609.6153 • F 925.798.7150 • www.bevmo.com Summary of Business and Operations

About BevMo!

BevMo! is the largest specialty retailer of wine in California and was awarded Retailer of the Year in 2006 by Wine Enthusiast, and in 2009 was awarded the Market Watch Leader Award for management. BevMo! offers a convenient and unique store for local residents to browse an extensive inventory of wine, spirits, beer, gourmet food and related items such as glassware and other wine accessories, which are not easily found elsewhere. A typical BevMo! store offers over 3,000 wines (1,000 from California), 1,200 specialty spirits, 600 beers (including a large selection of "craft" and imported beers), and over 2,000 "& More" products (cheese, party accessories, caviar, etc.).

License Types

In addition to a license Type 21 for the off-premises sale of alcoholic beverages, BevMo! requires a license Type 42 (On-Sale Beer and Wine, Public Premises) for educational beer and wine tastings and a Type 86 (Educational Tasting License) for spirits tastings. BevMo! operates the tasting program in a manner consistent with educating the customer—it is not intended to be a bar or lounge atmosphere. Sample sizes (1oz samples of beer and wine, and a maximum of three ¼ oz samples of spirits samples per customer) and tasting hours are limited.

Responsible Corporate Policies

BevMo! is a responsible retailer with several policies designed to limit adverse impact to the communities in which stores are located, including:

- 1) Limited hours of operation, as noted above.
- 2) Cigarettes, products of abuse (e.g. 40oz malt liquors and low-priced screw-top fortified wines), lottery tickets, and pornographic material will not be sold.
- 3) BevMo! does not allow pay telephones, video/pinball games on the premises.
- 4) BevMo! posts and maintains professional quality signs which state "No Loitering", "No public drinking of alcoholic beverages", "Stop you must be 21 to enter unless accompanied by an adult."
- 5) Anyone who appears to be under the age 40 is carded. ID scanning equipment is used at every register. In addition, BevMo! utilizes a third party vendor which "secret" shops every store each month to ensure employees are following company policies.
- 6) BevMo! does not employ anyone under the age of 21 and we do not allow minors to enter the store unless they are accompanied by a parent or guardian.

Serving Public Convenience or Necessity

Approval of a PCN for this location would allow BevMo! to open in a neighborhood that is not currently served by a retailer like BevMo!.

1401 Willow Pass Rd, Suite 900 • Concord, California 94520 • T 925.609.6153 • F 925.798.7150 • www.bevmo.com

Off-Sale Licensees

Of the nineteen (19) off-sale licenses in this census tract, twelve (12) are Type 21 licenses (allowing for the sale of beer, wine and spirits for off-premise consumption). Of these twelve (12), ten (10) are either no longer open (e.g., Moza Easy Shop), not currently offering alcoholic beverages for sell (e.g., Macy's) or operate a store with a significantly different business model (e.g., Hyatt, which operates a small snack gift shop with some alcoholic beverages; Sam's Cable Car, which is actually a bar or lounge and holds an on-premise bar license; The Whisky Shop, a shop specializing only in whisky products; and, several small bodega or deli-type establishments which do not carry a large selection or higher end items; and Target, which limits its alcohol selection to just 5% of the retail square footage). None of these retailers offer the same level of delivery service or the breadth of selection that BevMo! will offer. Furthermore, with the exception of The Whisky Shop (which holds a Type 86 for educational whisky tastings), none of these licensees hold a Type 42 license and none hold the Type 42/Type 86 license combination. Therefore, BevMo! would be the only off-sale retailer that also offers educational beer, wine and spirits tastings for its customers.

On-Sale

There are 112 on-sale licensees in this census tract. None of these licensees hold a Type 42 license, the others are bar and/or restaurant licenses. Therefore, BevMo! would be the only licensee in this census tract with a beer and wine public premise license. Furthermore, BevMo! utilizes this license to conduct educational beer and wine tastings (hosted either by trained BevMo! staff or in conjunction with a supplier) and, as noted above, these tastings are limited and the license will not be operated in the same manner as a bar or lounge.

In conclusion, BevMo!'s breadth of selection, delivery service, and educational tastings, sets BevMo! apart from the other retailers in this census tract and will provide a convenience to consumers in the area that does not currently exist. We, therefore, respectfully request approval of this application for a determination of Public Convenience or Necessity.

If you have any questions, please feel free to contact me at the number of email address listed below.

Sincerely

Liz Darrington /

Assistant General Counsel, BevMo!

925-609-6153

darringtonl@bevmo.com

INFORMATION AND INSTRUCTIONS -**SECTION 23958.4 B&P**

1structions 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 A	BC			
1. APPLICANT'S NAME				
Beverage & More, Inc. 2. PREMISES ADDRESS (Street number and name, cf	4ii-)		3. LICENSE TYPE	
150 Kearny St., San Francisc			21	•
4. TYPE OF BUSINESS Full Service Restaurant	Hofbrau/Cafeteria	Cocktail Lounge	Private Club	
Deli or Specialty Restaurant	Comedy Club	Night Club	Veterans Clu	b
Cafe/Coffee Shop	Brew Pub	Tavern: Beer	Fratemal Clui	
Bed & Breakfast:	Theater	Tavern: Beer & Wine	Wine Tasting	
Wine only All				
Supermarket ·	Membership Store	Service Station	Swap Meet/F	lea Market
Liquor Store	Department Store	Convenience Market	Drive-in Dairy	r
Drug/Variety Store	Florist/Gift Shop	Convenience Market w	Gasoline	
Other - describe:			•	
5. COUNTY POPULATION	6. TOTAL NUMBER OF LICENSES IN	COUNTY	7. RATIO OF LICENSES TO POPULATION	ON IN COUNTY
866,583		On-Sale Off-Sale	1086	On-Sale X Off-Sale
8. CENSUS TRACT NUMBER	9. NO. OF LICENSES ALLOWED IN C		10. NO. OF LICENSES EXISTING IN CE	ISUS TRACT
117	1	On-Sale X Off-Sale	21	On-Sale X Off-Sale
THE ABOVE CENSUS TRACT OVERCONCENT		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 e			•	•
No, the number of existing licenses is 12. DOES LAW ENFORCEMENT AGENCY MAINTAIN				
X Yes (Go to Item #13)	No (Go to Item #20)			
13. CRIME REPORTING DISTRICT NUMBER	14. TOTAL NUMBER OF REPORTING	DISTRICTS	15. TOTAL NUMBER OF OFFENSES IN	ALL REPORTING DISTRICTS
170	653	•	53,160	
16. AVERAGE NO. OF OFFENSES PER DISTRICT	17. 120% OF AVERAGE NUMBER OF	OFFENSES	18, TOTAL NUMBER OF OFFENSES IN	REPORTING DISTRICT
81	97		188	
 IS THE PREMISES LOCATED IN A HIGH CRIME F reporting districts within the jurisdiction of the local I 		greater number of reported crimes th	an the average number of reported crimes	as determined from all crime
X Yes, the total number of offenses in the		ceeds the total number in ite	m#17	
No, the total number of offenses in the	e reporting district is lower than t	he total number in item #17		•
20. CHECK THE BOX THAT APPLIES (check only one	box)			•
a. If "No" is checked in both item #1 on this issue. Advise the applicant to				ormation will be needed
b. If "Yes" is checked in either item # retail license issued for a hotel, more beer manufacturer's license, or wine application or as soon as possible the	I or other lodging establishment grower's license, advise the <u>appl</u>	as defined in Section 25503	.16(b) B&P, or a retail license issi	ued in conjuction with a
C. If " <u>Yes</u> " is checked in either item # sale beer license, an on-sale beer an to the local governing body, or its des ABC in order to process the applicati	d wine (public premises) license signated subordinate officer or be	e, or an on-sale general (pub	lic premises) license, advise the	applicant to take this form
Governing Body/Designated Subordin	ate Name: Board of Su	pervisors		•
DEPARTMENT USE ONLY		•		
(ED BY (Name of Department Employee)				
ABC-245 (rev. 01-11)				
ADC-240 (16V. U)-11)			·	

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., a over-concentration of licenses and/or in ligher than average crime rate as defined in Section 23958.4 of the Business and Professions Code requires the Department to deny the application unless the local overling body of the area in which the applicant premises are located or its designated subordinates officer or body, determines within 90 covering body of the area in which the applicant premises are located or its designated subordinates officer or body, determines within 90 covering body of the decision of the application unless the local overlines are complete items #24 to #30 below and certify or affix an official seal, or affacts a copy of the Council or Board resolution or a signed etter on official letterfread stating whether or not the issuance of the applied for license would serve as a public convenience or necessity. M. WILL PUBLIC CONVENIENCE OR NECESSITY BE SERVED BY ISSUANCE OF THIS ALCOHOLIC BEVERAGE LICENSE? We are convenience or necessity in the provide reasons for approval or denial of public convenience or necessity; See Attached (i.e., letter, resolution, etc.) S. ADDITIONAL COMMENTS, IF DESIRED (may include reasons for approval or denial of public convenience or necessity):					
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 incense. Please describe below the resons why issuance of another license is justified in this area. You may attach a separate sheet or additional documention, if destrod. Do not proceed to Part 3. 22. ASYLIDANT BIGNATURE 23. ASYLIDANT BIGNATURE 24. ASYLIDANT BIGNATURE 25. ANY IDANT BIGNATURE 26. ANY IDANT BIGNATURE 27. CIVICOUNTY OFFICIAL HAME 27. CIVICOUNTY OFFICIAL HAME 28. CITYCOUNTY OFFICIAL HAME 29. CITYCOUNTY OFFICIAL HAME 20. CITYCOUNTY OFFICIAL HAME 21. CITYCOUNTY OFFICIAL HAME 22. CITYCOUNTY OFFICIAL HAME 23. CITYCOUNTY OFFICIAL HAME 24. CITYCOUNTY OFFICIAL HAME 25. CITYCOUNTY OFFICIAL HAME 26. CITYCOUNTY OFFICIAL HAME 27. CITYCOUNTY OFFICIAL HAME 28. CITYCOUNTY OFFICIAL HAME 29. CITYCOUNTY OFFICIAL HAME 29. CITYCOUNTY OFFICIAL HAME 29. CITYCOUNTY OFFICIAL HAME 20. CITYCOUNTY OFFICIAL HAME 20. CITYCOUNTY OFFICIAL HAME 20. CITYCOUNTY OFFICIAL HAME 27. CITYCOUNTY OFFICIAL TITLE 28. CITYCOUNTY OFFICIAL HAME 29. CITYCOUNTY OFFICIAL HAME 29. CITYCOUNTY OFFICIAL HAME 20. CITYCO	PART 2 - TO BE COMPLET	ED BY THE APPLICANT (If box #20b is check	ed)	
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 sel alcoholic beverages at a premises where undue concentration exists (i.e., a rovier-concentration of licenses and/or a higher than average crime rate as defined in Section 239-6.4 of the Business and Professions and over-contration of the Business and Professions and Professions of the Business and Professions and Professions of the Business and Professions of the Business are located, or its designated subordinate officer or body, determines within 90 lays 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 etter on official letterhead stating whether or not the Issuance of the applied for license would serve as a public convenience or necessity. M. WILL PUBLIC CONVENIENCE OR NECESSITY BE SERVED BY ISSUANCE OF THIS ALCOHOLIC BEVERAGE LUCENSE? Yes No See Attached (i.e., letter, resolution, etc.) S. AUDITIONAL COMMENTS, IF DESIRED (may include reasons for approval or denial of public convenience or necessity): 8. GITY/COUNTY OFFICIAL NAME 22. GITY/COUNTY OFFICIAL TITLE 23. GITY/COUNTY OFFICIAL PHONE NUMBER	necessity would be served by	v the issuance of the licens	e. Please describe b	elow the reasons why issuance of anot	blic convenience or her license is justified in
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ABC-245 REVERSE (rev. 01-11)

INFORMATION AND INSTRUCTIONS -SECTION 23958.4 B&P

nstructions

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 A	3C .					•	
1. APPLICANT'S NAME							
Beverage & More, Inc.		••					
2. PREMISES ADDRESS (Street number and name, city	• • •	•			3. LICENSE TYPE		
150 Kearny St., San Francisco	0 CA 94 100-4002				42		
Full Service Restaurant	Hofbrau/Cafeteria	Cocktail Loun	ge	[Private Club		
Deli or Specialty Restaurant	Comedy Club .	Night Club		[Veterans Clu	ıp .	
Cafe/Coffee Shop	Brew Pub	Tavern: Beer			Fraternal Clu	ıb	
Bed & Breakfast:	Theater	Tavern: Beer	& Wine		Wine Tasting	g Room	
Wine only All	,		•				
Supermarket	Membership Store	Service Statio	n		Swap Meet/F	lea Market	
Liquor Store	Department Store	Convenience	Market		Drive-in Dair	у	
Drug/Variety Store	Florist/Gift Shop	Convenience	Market w/0	Gasoline			•
Other - describe:							
5. COUNTY POPULATION	6. TOTAL NUMBER OF LICENSES IN			7. RATIO OF LICEN		_	
866,583		<u> </u>	Off-Sale	279	<u>_</u>	On-Sale	Off-Sale
B. CENSUS TRACT NUMBER	9. NO. OF LICENSES ALLOWED IN C			10. NO. OF LICENS	_	¬ '	Пата
117 THE ABOVE CENSUS TRACT OVERCONCENTI	6	<u> </u>	Off-Sale:	131		On-Sale	Off-Sale
Yes, the number of existing licenses ex		ratio of licenses to popu	uladon in the	census tract exceed t	ne railo of licenses t	o population for i	ne entire county?)
No, the number of existing licenses is I						•	
12. DOES LAW ENFORCEMENT AGENCY MAINTAIN							
X Yes (Go to Item #13)	No (Go to Item #20)						
13. CRIME REPORTING DISTRICT NUMBER	14. TOTAL NUMBER OF REPORTING	DISTRICTS		15. TOTAL NUMBER	R OF OFFENSES IN	ALL REPORTIN	IG DISTRICTS
170 16. AVERAGE NO. OF OFFENSES PER DISTRICT	653 53,160			lornio 7			
81	17. 120% OF AVERAGE NUMBER OF OFFENSES 18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRIC 18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRIC					BINICI	
19. IS THE PREMISES LOCATED IN A HIGH CRIME R	EPORTING DISTRICT? (i.e., has a 20%	greater number of repor	ted crimes the		er of reported crimes	as determined f	rom all crime
reporting districts within the jurisdiction of the local la		seeds the total num	nhar in itar	, m #17			
X Yes, the total number of offenses in the				111 # 17			
No, the total number of offenses in the 20. CHECKTHE BOX THAT APPLIES (check only one		THE LOCAL MUTILDER III	10111#17				
a. If "No" is checked in both item #11 on this issue. Advise the applicant to	and item #19, Section 23958.4				no additional int	formation will	be needed
b. If "Yes" is checked in either item # retail license issued for a hotel, motel beer manufacturer's license, or winegrapplication or as soon as possible the	or other lodging establishment of cower's license, advise the <u>appl</u>	as defined in Secti	ion 25503.	16(b) B&P, or a	retail license iss	sued in conju	ction with a
c. If " <u>Yes</u> " is checked in either item #1 sale beer license, an on-sale beer and to the local governing body, or its designation order to process the application	l wine (public premises) license Ignated subordinate officer or be	, or an on-sale ger	neral (publ	lic premises) lice	nse, advise the	applicant to	take this form
Governing Body/Designated Subordina	ate Name: Board of Su	pervisors					
DEPARTMENT USE ONLY							
(ED BY (Name of Department Employee)							
ABC-245 (rev. 01-11)							

			 		
PART 2 - TO BE COMPLETED B		·			
21. Based on the information on necessity would be served by the this area. You may attach a sepa	issuance of the licen	ise. Please descri	be below the r	ation if you can show that public conve easons why issuance of another licens not proceed to Part 3.	enience or se is justified in
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22. APPLICANT SIGNATURE				log DATE CONTEN	
22. APPLICANT SIGNATURE .			•	23. DATE SIGNED	
PART 3 - TO BE COMPLETED B	VIOCAL OFFICIAL	D //f h = > #00 = i =		<u> </u>	
letter on official letterhead stating	whether or not the is	suance of the appl	lied for license	at a premises where undue concentral Section 23958.4 of the Business and e Department to deny the application of the Section and experiment to deny the application of the Section 1 of the Section 1 of the Section 1 of the Council or Board resolution would serve as a public convenience of the Section 1 of the Section 2 of the Se	or necešsity.
24. WILL PUBLIC CONVENIENCE OR NECESSI	· ·	E OF THIS ALCOHOLIC BI			
Yes 25. ADDITIONAL COMMENTS, IF DESIRED (ma	No	ar docial of out to consent		ttached (i.e., letter, resolution, etc.)	
23. ADDITIONAL COMMENTS, IT DESIRED (III	y module reasons for approval	or defination public convents	ence or necessity):		
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26. CITY/COUNTY OFFICIAL NAME	27. CITY/COUNTY OF	FICIAL TITLE		28. CITY/COUNTY OFFICIAL PHONE NUMBER	
	Z OH HOUGHT OF	· 4		23. SIT I/OSSIGIT OFFICIAL FROME NOWDER	
29. CITY/COUNTY OFFICIAL SIGNATURE	<u> </u>			30. DATE SIGNED	
ABC-245 REVERSE (rev. 01-11)					

1401 Willow Pass Rd, Suite 900 • Concord, California 94520 • T 925.609.6153 • F 925.798.7150 • www.bevmo.com

VIA FEDERAL EXPRESS

July 20, 2017

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

RE: Request for "Public Convenience and Necessity" (PCN) Resolution 150 Kearny St., San Francisco, CA 94108

Dear Clerk of the Board,

Beverages & More, Inc. ("BevMo!") recently submitted an application to the California Department of Alcoholic Beverage Control ("ABC") for three liquor licenses (detailed below) required to operate a 4,850 square foot retail store at the above referenced premise. BevMo!'s use at this particular location is a permitted use; therefore, no conditional use permit is required from city planning. However, there is an overconcentration of on- and off-sale licenses in the census tract, triggering the requirement for a PCN from the San Francisco Board of Supervisors. This letter provides basic applicant information, as well as information about how BevMo! operates its stores. The ABC PCN form is also enclosed.

Applicant Information

Contact Information: Liz Darrington, 925-609-6153, darringtonl@bevmo.com

Business Name: Beverages & More, Inc. (BevMo!)

Mailing Address: 1401 Willow Pass Road, Suite 900, Concord, CA 94520

License Types Applied for: Type 21, Type 42, Type 86

-Type 21 transferring from 3645 Lawton Street, San Francisco, CA

-Type 21 transferring to 150 Kearny Street, San Francisco, CA

-Type 42 and 86 are original licenses, not transferred.

Hours of Operation:

-Maximum Hours of Operation (per SFPD approved ABC Petition for Conditional License): Sunday-Saturday 7am-12am

-Regular Hours of Operation: Sundays 9am-8pm Monday-Thursday 9am-9pm

Saturday & Friday 9am-10pm



1401 Willow Pass Rd, Suite 900 • Concord, California 94520 • T 925.609.6153 • F 925.798.7150 • www.bevmo.com Summary of Business and Operations

About BevMo!

BevMo! is the largest specialty retailer of wine in California and was awarded Retailer of the Year in 2006 by Wine Enthusiast, and in 2009 was awarded the Market Watch Leader Award for management. BevMo! offers a convenient and unique store for local residents to browse an extensive inventory of wine, spirits, beer, gourmet food and related items such as glassware and other wine accessories, which are not easily found elsewhere. A typical BevMo! store offers over 3,000 wines (1,000 from California), 1,200 specialty spirits, 600 beers (including a large selection of "craft" and imported beers), and over 2,000 "& More" products (cheese, party accessories, caviar, etc.).

License Types

In addition to a license Type 21 for the off-premises sale of alcoholic beverages, BevMo! requires a license Type 42 (On-Sale Beer and Wine, Public Premises) for educational beer and wine tastings and a Type 86 (Educational Tasting License) for spirits tastings. BevMo! operates the tasting program in a manner consistent with educating the customer—it is not intended to be a bar or lounge atmosphere. Sample sizes (1oz samples of beer and wine, and a maximum of three ¼ oz samples of spirits samples per customer) and tasting hours are limited.

Responsible Corporate Policies

BevMo! is a responsible retailer with several policies designed to limit adverse impact to the communities in which stores are located, including:

- 1) Limited hours of operation, as noted above.
- 2) Cigarettes, products of abuse (e.g. 40oz malt liquors and low-priced screw-top fortified wines), lottery tickets, and pornographic material will not be sold.
- 3) BevMo! does not allow pay telephones, video/pinball games on the premises.
- 4) BevMo! posts and maintains professional quality signs which state "No Loitering", "No public drinking of alcoholic beverages", "Stop you must be 21 to enter unless accompanied by an adult."
- 5) Anyone who appears to be under the age 40 is carded. ID scanning equipment is used at every register. In addition, BevMo! utilizes a third party vendor which "secret" shops every store each month to ensure employees are following company policies.
- 6) BevMo! does not employ anyone under the age of 21 and we do not allow minors to enter the store unless they are accompanied by a parent or guardian.

Serving Public Convenience or Necessity

Approval of a PCN for this location would allow BevMo! to open in a neighborhood that is not currently served by a retailer like BevMo!.

1401 Willow Pass Rd, Suite 900 • Concord, California 94520 • T 925.609.6153 • F 925.798.7150 • www.bevmo.com

Off-Sale Licensees

Of the nineteen (19) off-sale licenses in this census tract, twelve (12) are Type 21 licenses (allowing for the sale of beer, wine and spirits for off-premise consumption). Of these twelve (12), ten (10) are either no longer open (e.g., Moza Easy Shop), not currently offering alcoholic beverages for sell (e.g., Macy's) or operate a store with a significantly different business model (e.g., Hyatt, which operates a small snack gift shop with some alcoholic beverages; Sam's Cable Car, which is actually a bar or lounge and holds an on-premise bar license; The Whisky Shop, a shop specializing only in whisky products; and, several small bodega or deli-type establishments which do not carry a large selection or higher end items; and Target, which limits its alcohol selection to just 5% of the retail square footage). None of these retailers offer the same level of delivery service or the breadth of selection that BevMo! will offer. Furthermore, with the exception of The Whisky Shop (which holds a Type 86 for educational whisky tastings), none of these licensees hold a Type 42 license and none hold the Type 42/Type 86 license combination. Therefore, BevMo! would be the only off-sale retailer that also offers educational beer, wine and spirits tastings for its customers.

On-Sale

There are 112 on-sale licensees in this census tract. None of these licensees hold a Type 42 license, the others are bar and/or restaurant licenses. Therefore, BevMo! would be the only licensee in this census tract with a beer and wine public premise license. Furthermore, BevMo! utilizes this license to conduct educational beer and wine tastings (hosted either by trained BevMo! staff or in conjunction with a supplier) and, as noted above, these tastings are limited and the license will not be operated in the same manner as a bar or lounge.

In conclusion, BevMo!'s breadth of selection, delivery service, and educational tastings, sets BevMo! apart from the other retailers in this census tract and will provide a convenience to consumers in the area that does not currently exist. We, therefore, respectfully request approval of this application for a determination of Public Convenience or Necessity.

If you have any questions, please feel free to contact me at the number of email address listed below.

Sincerely.

Liz Darrington (

Assistant General Counsel, BevMo!

925-609-6153

darringtonl@bevmo.com

INFORMATION AND INSTRUCTIONS -

SECTION 23958.4 B&P

- Instructions

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PART 1 - TO BE COMPLETED BY 1. APPLICANT'S NAME	ABC		<u> </u>	·
Beverage & More, Inc.				
PREMISES ADDRESS (Street number and name	e, city, zip code)		3. LICE	ENSE TYPE
150 Kearny St., San Francis 4. TYPE OF BUSINESS	sco CA 94108-4802	·	21	1
Full Service Restaurant	Hofbrau/Cafeteria	Cocktail Lounge	Pri	ivate Club
Deli or Specialty Restaurant	Comedy Club	Night Club	Ve	terans Club
Cafe/Coffee Shop	Brew Pub	Tavern: Beer	Fra	aternal Club
Bed & Breakfast:	Theater	Tavern: Beer & Wine	Wi	ine Tasting Room
Wine only All				
Supermarket	Membership Store	Service Station	Sw	vap Meet/Flea Market
Liquor Store	Department Store	Convenience Market	Dri	ive-In Dairy
Drug/Variety Store	Florist/Gift Shop	Convenience Market w	Gasoline	
Other - describe:		<u> </u>		
5. COUNTY POPULATION	6. TOTAL NUMBER OF LICENSES	IN COUNTY	7. RATIO OF LICENSES TO	O POPULATION IN COUNTY
866,583		On-Sale Off-Sale	1086	On-Sale X Off-Sale
8. CENSUS TRACT NUMBER	9. NO. OF LICENSES ALLOWED IN			STING IN CENSUS TRACT
117		On-Sale X Off-Sale	21	On-Sale X Off-Sr
11. IS THE ABOVE CENSUS TRACT OVERCONCE X Yes, the number of existing licenses		ne ratio of licenses to population in the	census tract exceed the ratio	of licenses to population for the entire cou.
No, the number of existing licenses		1	,	•
12. DOES LAW ENFORCEMENT AGENCY MAINT.				
X Yes (Go to Item #13)	No (Go to Item #20)			
13. CRIME REPORTING DISTRICT NUMBER	14. TOTAL NUMBER OF REPORTIN	NG DISTRICTS	15. TOTAL NUMBER OF O	FFENSES IN ALL REPORTING DISTRICTS
170	653		53,160	
16. AVERAGE NO. OF OFFENSES PER DISTRICT		OF OFFENSES		FFENSES IN REPORTING DISTRICT
81 19. IS THE PREMISES LOCATED IN A HIGH CRIM	97 TE REPORTING DISTRICT? (i.e., has a 209	% greater number of reported crimes th	188	ported crimes as determined from all crime
reporting districts within the jurisdiction of the loc	cal law enforcement agency)			
X Yes, the total number of offenses in			m #17	
No, the total number of offenses in	· _ ·	the total number in item #17		
20. CHECK THE BOX THAT APPLIES (check only a. If "No" is checked in both item is	•	4 B&P does not apply to this	application, and no ad-	ditional information will be needed
on this issue. Advise the applican				anional information in 20 modes
b. If " <u>Yes</u> " is checked in either iter retail license issued for a hotel, mo	otel or other lodging establishmen	t as defined in Section 25503	.16(b) B&P, or a retail !	license issued in conjuction with a
beer manufacturer's license, or wir application or as soon as possible		oncant to complete Section 2	and bring the complete	ed form to ABC when filling the
sale beer license, an on-sale beer	and wine (public premises) licens designated subordinate officer or l	se, or an on-sale general (pub	lic premises) license, a	an off-sale general license, an on- advise the <u>applicant to take this form</u> eted form will need to be provided to
Governing Body/Designated Subord	dinate Name: Board of S	upervisors		. :
FOR DEPARTMENT USE ONLY PREPARED BY (Name of Department Employee)				
(The bit (Table of Department Employee)				
ABC-245 (rev. 01-11)	·			

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PART 2 - TO BE COMPLETE	D BY THE APPLICAN	T (If box #20b is chec	ked)	
21. Based on the information on necessity would be served by tarea. You may attach a se	the issuance of the lice	ense. Please describe	below the reasor	if you can show that public convenience or ns why issuance of another license is justified in roceed to Part 3.
			<u> </u>	
				
			!	
		· · · · · · · · · · · · · · · · · · ·		
22. APPLICANT SIGNATURE			2	23. DATE SIGNED
PART 3 - TO BE COMPLETED	D BY LOCAL OFFICIA	U.S. (If hov #20c is che	ocked)	
				premises where undue concentration exists (i.e.,
days of notification of a comple Please complete items #24 to a letter on official letterhead stati	which the application that put #30 below and certify on ng whether or not the	mises are located, or in blic convenience or ne or affix an official seal, o issuance of the applied	s designated sur cessity would be or attach a copy for license woul	premises where undue concentration exists (i.e., tion 23958.4 of the Business and Professions partment to deny the application unless the local bordinate officer or body, determines within 90 eserved by the issuance. of the Council or Board resolution or a signed d serve as a public convenience or necessity.
24. WILL PUBLIC CONVENIENCE OR NECI	ESSITY BE SERVED BY ISSUAN	ICE OF THIS ALCOHOLIC BEVE		
Yes	. No	<u>L</u>		ed (i.e., letter, resolution, etc.)
25. ADDITIONAL COMMENTS, IF DESIRED	(may include reasons for approv	al or denial of public convenience	or necessity):	
-				
				· · · · · · · · · · · · · · · · · · ·
				· · · · · · · · · · · · · · · · · · ·
			· · · · · · · · · · · · · · · · · · ·	
·				
Y/COUNTY OFFICIAL NAME	27. CITY/COUNTY	OFFICIAL TITLE	2	28. CITY/COUNTY OFFICIAL PHONE NUMBER
O OFFICE LATE OFFICE				DATE CIONED
29. CITY/COUNTY OFFICIAL SIGNATURE	•	•	3	30. DATE SIGNED

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 1. APPLICANT'S NAME	ABC					
	•	٠,				
Beverage & More, Inc. 2. PREMISES ADDRESS (Street number and name,	city, zip code)		3.	LICENSE TYPE		
150 Kearny St., San Francis	co CA 94108-4802			42		
4. TYPE OF BUSINESS	()					
Full Service Restaurant	Hofbrau/Cafeteria	Cocktail Lounge		Private Club		
Deli or Specialty Restaurant	Comedy Club	Night Club		Veterans Club		
Cafe/Coffee Shop	Brew Pub	Tavern: Beer		Fraternal Club		
Bed & Breakfast:	Theater	Tavern: Beer & Wine		Wine Tasting Room ·		
Wine only All				·		
Supermarket	Membership Store	Service Station		Swap Meet/Flea Market		
Liquor Store	Department Store	Convenience Market		Drive-in Dairy		
Drug/Variety Store	Florist/Gift Shop	Convenience Market w	Gasoline .			
Other - describe:		_				
5, COUNTY POPULATION	6. TOTAL NUMBER OF LICENSES	N COUNTY	1	SES TO POPULATION IN COUNTY		
866,583		On-Sale Off-Sale	279	X On-Sale Off-Sale		
8. CENSUS TRACT NUMBER	9. NO. OF LICENSES ALLOWED IN	<u></u>		S EXISTING IN CENSUS TRACT		
117	6	X On-Sale Off-Sale.	131	X On-Sale Off-Sr		
11. IS THE ABOVE CENSUS TRACT OVERCONCE X Yes, the number of existing licenses	• •	ne ratio of licenses to population in the	census tract exceed the	e ratio of licenses to population for the entire cou		
				•		
No, the number of existing licenses in the property and t						
X Yes (Go to Item #13)	No (Go to Item #20)					
13. CRIME REPORTING DISTRICT NUMBER	14. TOTAL NUMBER OF REPORTIN	IG DISTRICTS	15. TOTAL NUMBER	OF OFFENSES IN ALL REPORTING DISTRICTS		
170	653					
16. AVERAGE NO. OF OFFENSES PER DISTRICT	17. 120% OF AVERAGE NUMBER C	F OFFENSES	1	OF OFFENSES IN REPORTING DISTRICT		
81	97	·	188	af an and adverse and at a standard from all advan-		
 IS THE PREMISES LOCATED IN A HIGH CRIMI reporting districts within the jurisdiction of the local 	• •	s greater number of reported crimes th	an the average number .	or reported crimes as determined from all crime		
X Yes, the total number of offenses in	the reporting district equals or ex	ceeds the total number in ite	m #17			
No, the total number of offenses in t	he reporting district is lower than	the total number in item #17		•		
20. CHECK THE BOX THAT APPLIES (check only o				•		
a. If "No" is checked in both item # on this issue. Advise the applicant		DO 1 60 11 11 11 11 11 11 11 11 11 11 11 11 11		o additional information will be needed		
				·		
				ona fide public eating place license, a etail license issued in conjuction with a		
beer manufacturer's license, or wind	egrower's license, advise the <u>app</u>	olicant to complete Section 2	and bring the com	pleted form to ABC when filing the		
application or as soon as possible t	hereafter.					
X c. If "Yes" is checked in either item	#11 as item #10 and the applies	unt in applying for an off sale.	haar and wina liga	nse, an off-sale general license, an on-		
sale beer license, an on-sale beer a	and wine (public premises) licens	e, or an on-sale general (pub	lic premises) licen	se, advise the applicant to take this form		
to the local governing body, or its de ABC in order to process the applica		body to have them complete t	Section 3. The co	mpleted form will need to be provided to		
ABC in order to process the applica	mon.		•			
Governing Body/Designated Subord	inate Name: Board of S	upervisors				
FOR DEPARTMENT USE ONLY						
PREPARED BY (Name of Department Employee)		•				
	•			•		

PART 2 - TO BE COMPLET	ED BY THE APPLICANT	(If box #20b is checke	d)		•
21. Based on the information necessity would be served by	the issuance of the licer	ise. Please describe be	low the reasons why issuance	e of another license is just	or ified in
	·	•	· · · · · · · · · · · · · · · · · · ·		
•				·	
,					
		•			
	٠.				
, ,					
22. APPLICANT SIGNATURE			23. DATE SIGNED		
				•	
PART 3 - TO BE COMPLETI					
The applicant named on the ran over-concentration of licer Code). Sections 23958 and 2 governing body of the area in days of notification of a comp Please complete items #24 to letter on official letterhead sta	leted application that pub o #30 below and certify or ating whether or not the is	lic convenience or nece affix an official seal, or suance of the applied fo	ssity would be served by the attach a copy of the Council or license would serve as a pu	ssuancé. r Board resolution or a sic blic convenience or neces	gned ssity.
24. WILL PUBLIC CONVENIENCE OR NE	CESSITY BE SERVED BY ISSUANCE	CE OF THIS ALCOHOLIC BEVERA	SELICENSE?		
Yes	No		See Attached (i.e., letter, res	olution, etc.)	
25. ADDITIONAL COMMENTS, IF DESIRE	ED (may include reasons for approval	or denial of public convenience or	necessity):		
		· · · · · · · · · · · · · · · · · · ·			
					· · · · · · · · · · · · · · · · · · ·
		•			
			•	1944-114	
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	-	· · · · · · · · · · · · · · · · · · ·			
			·	····.	
2 Y/COUNTY OFFICIAL NAME	27. CITY/COUNTY O	PHICIAL TITLE	28. CITY/COUNTY OF	FICIAL PHONE NUMBER	
29. CITY/COUNTY OFFICIAL SIGNATURI	E	· · · · · · · · · · · · · · · · · · ·	30. DATE SIGNED		