Resolution determining that the issuance of a Type 20 off-sale general license to LandMark Retail Group for CVS Pharmacy, located at 1059 Hyde Street (aka 1401 California Street) (District 3), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license.

WHEREAS, LandMark Retail Group is seeking the issuance of a Type 20 off-sale general license for CVS Pharmacy, located at 1059 Hyde Street (aka 1401 California Street); and,

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

WHEREAS, The Police Department has filed a protest with the Department of Alcoholic Beverage Control under Section 24013 of the California Business and Professions Code, and recommends that the Department of Alcoholic Beverage Control issue the liquor license with conditions; and

WHEREAS, The conditions recommended by the Police Department are: 1) Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 8:00 am and 10:00 pm daily; 2) No more than 5% of the square footage of the premises will be used for the display of alcoholic beverages; 3) No malt beverage shall be sold with an alcoholic content greater than 5.7% by volume; 4) The sale of a
single beer or malt beverage in quantities of 16 oz., 22 oz., 32 oz., 40 oz., or similar size containers is prohibited; 5) No beer or malt beverage, wine cooler or beer cooler shall be sold in quantities of less than manufacturer pre-packaged multi-unit quantities of four (4) or more; 6) No wine shall be sold with an alcoholic content greater than 15% by volume except for wine which has been aged two years or more and maintained in a corked bottle; 7) Loitering (loitering is defined as "to stand idly about; linger aimlessly without lawful business") is prohibited on any sidewalks or property adjacent to the licensed premises under control of the licensee; and 8) The petitioner shall utilize electronic surveillance and recording equipment that is able to view all exit and entrance points of the exterior of the premises. The electronic surveillance/recording shall be operational at all times that the premises open to the public. Said electronic recording shall be maintained and kept for a minimum of seven (7) days, and shall be made available to Law Enforcement on demand; now, therefore, be it RESOLVED, That in accordance with Section 23958.4 of the California Business and Professions Code, the Board of Supervisors of the City and County of San Francisco hereby determines for the foregoing reasons that the issuance of a Type 20 off-sale general license to LandMark Retail Group for CVS Pharmacy, located at 1059 Hyde Street (aka 1401 California Street), will serve the public convenience or necessity of the City and County of San Francisco; and FURTHER RESOLVED, That the Board of Supervisors of the City and County of San Francisco hereby endorses and adopts the recommendations of the Police Department listed above, and recommends that the Department of Alcoholic Beverage Control issue the license with those conditions.
File Number: 120277 Date Passed: October 30, 2012

Resolution determining that the issuance of a Type 20 off-sale general license to LandMark Retail Group for CVS Pharmacy, located at 1059 Hyde Street (aka 1401 California Street) (District 3), will serve the public convenience and necessity of the City and County of San Francisco.

October 22, 2012 City Operations and Neighborhood Services Committee - PREPARED IN COMMITTEE AS A RESOLUTION

October 22, 2012 City Operations and Neighborhood Services Committee - RECOMMENDED

October 30, 2012 Board of Supervisors - ADOPTED
Ayes: 10 - Avalos, Campos, Chiu, Cohen, Eisbernd, Farrell, Kim, Mar, Ologue and Wiener
Excused: 1 - Chu

File No. 120277

I hereby certify that the foregoing Resolution was ADOPTED on 10/30/2012 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

Date Approved