

1 [Liquor License - 1059 Hyde Street]

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

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

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

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

20 WHEREAS, The conditions recommended by the Police Department are: 1)
21 Sales, service and consumption of alcoholic beverages shall be permitted only between
22 the hours of 8:00 am and 10:00 pm daily; 2) No more than 5% of the square footage of
23 the premises will be used for the display of alcoholic beverages; 3) No malt beverage
24 shall be sold with an alcoholic content greater than 5.7% by volume; 4) The sale of a
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1 single beer or malt beverage in quantities of 16 oz., 22 oz., 32 oz., 40 oz., or similar size
2 containers is prohibited; 5) No beer or malt beverage, wine cooler or beer cooler shall
3 be sold in quantities of less than manufacturer pre-packaged multi-unit quantities of four
4 (4) or more; 6) No wine shall be sold with an alcoholic content greater than 15% by
5 volume except for wine which has been aged two years or more and maintained in a
6 corked bottle; 7) Loitering (loitering is defined as "to stand idly about; linger aimlessly
7 without lawful business") is prohibited on any sidewalks or property adjacent to the
8 licensed premises under control of the licensee; and 8) The petitioner shall utilize
9 electronic surveillance and recording equipment that is able to view all exit and entrance
10 points of the exterior of the premises. The electronic surveillance/recording shall be
11 operational at all times that the premises open to the public. Said electronic recording
12 shall be maintained and kept for a minimum of seven (7) days, and shall be made
13 available to Law Enforcement on demand; now, therefore, be it

14 RESOLVED, That in accordance with Section 23958.4 of the California Business
15 and Professions Code, the Board of Supervisors of the City and County of
16 San Francisco hereby determines for the foregoing reasons that the issuance of a Type
17 20 off-sale general license to LandMark Retail Group for CVS Pharmacy, located at
18 1059 Hyde Street (aka 1401 California Street), will serve the public convenience or
19 necessity of the City and County of San Francisco; and

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

Tails

Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

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, Elsbernd, Farrell, Kim, Mar, Olague 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