

1 [Liquor License Transfer - 500 Laguna Street]

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3 **Resolution determining that the transfer of a Type 21 off-sale general license from**  
4 **201 Leland Avenue to 500 Laguna Street (District 5), to Krista Avery and Manuel**  
5 **Bargiela for O Camino, dba Nosa Ria, will serve the public convenience or**  
6 **necessity of the City and County of San Francisco, in accordance with California**  
7 **Business and Professions Code, Section 23958.4, and recommending that the**  
8 **California Department of Alcoholic Beverage Control impose conditions on the**  
9 **issuance of the license.**

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11 WHEREAS, Krista Avery and Manuel Bargiela are seeking the transfer of a Type  
12 21 off-sale general license from 201 Leland Avenue to 500 Laguna Street for O Camino,  
13 dba Nosa Ria; 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 one (1) protest with the Department  
17 of Alcoholic Beverage Control under California Business and Professions Code, Section  
18 24013, and recommends that the Department of Alcoholic Beverage Control issue the  
19 liquor license with conditions; and

20 WHEREAS, The conditions recommended by the Police Department are the  
21 following: 1) Sales, service and consumption of alcoholic beverages shall be permitted  
22 between the hours of 11:00 a.m. to 9:00 p.m. each day of the week; 2) No noise shall  
23 be audible beyond the area under control of the licensee as depicted on ABC-257;  
24 3) Loitering (defined as "to stand idly about; linger aimlessly without lawful business")  
25 shall be prohibited on any sidewalks or property adjacent to the licensed premises

1 under the control of the licensee(s) as depicted on the ABC-257 dated October 19,  
2 2012; 4) The exterior of the premises shall be equipped with lighting of sufficient power  
3 to illuminate and make easily discernible the appearance and conduct of all persons on  
4 or about the premises. Additionally, the position of such light shall not disturb the normal  
5 privacy and use of any neighboring residences; 5) No person under the age of 21 shall  
6 sell or deliver alcoholic beverages; 6) The sale of distilled spirits in sizes smaller than  
7 200 ml shall be strictly prohibited; 7) No sales of malt liquors or ice beers; 8) Beer, malt  
8 beverages, and wine coolers of 16oz. or less shall not be sold in single containers, and  
9 must be sold in manufacturers pre-packaged multi-unit quantities; 9) No wine shall be  
10 sold with an alcoholic content of greater than 15% by volume except for "Dinner Wines"  
11 which have been aged two years or more; 10) Wine shall not be sold in bottles or  
12 containers smaller than 750 ml; and 11) The petitioner shall utilize electronic  
13 surveillance and recording equipment that is able to view the outside of the premises,  
14 including all entrances and exits, and that is actively monitored and recorded. The  
15 electronic surveillance shall be utilized during operating hours. Said electronic recording  
16 shall be kept at least 30 days and shall be made available to the Department or Police  
17 Department upon demand; now, therefore, be it

18           RESOLVED, That in accordance with California Business and Professions Code,  
19 Section 23958.4, the Board of Supervisors of the City and County of San Francisco  
20 hereby determines for the foregoing reasons that the transfer of a Type 21 off-sale  
21 general license from 201 Leland Avenue to 500 Laguna Street to Krista Avery and  
22 Manuel Bargiela for O Camino, dba Nosa Ria, will serve the public convenience or  
23 necessity of the City and County of San Francisco; and, be it

24           FURTHER RESOLVED, That the Board of Supervisors of the City and County of  
25 San Francisco hereby endorses and adopts Police Department recommendations one

1 through 10, listed above, but does not endorse or adopt condition 11 (requiring  
2 electronic surveillance), and recommends that the Department of Alcoholic Beverage  
3 Control issue the license without condition 11.

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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: 130067

Date Passed: April 16, 2013

Resolution determining that the transfer of a Type 21 off-sale general license from 201 Leland Avenue to 500 Laguna Street (District 5), to Krista Avery and Manuel Bargiela for O Camino, dba Nosa Ria, will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license.

April 04, 2013 Neighborhood Services and Safety Committee - PREPARED IN COMMITTEE AS A RESOLUTION

April 04, 2013 Neighborhood Services and Safety Committee - RECOMMENDED

April 16, 2013 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 130067

I hereby certify that the foregoing Resolution was ADOPTED on 4/16/2013 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo  
Clerk of the Board

  
Mayor

Date Approved