[Liquor License Transfer - 500 Laguna Street]

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.

WHEREAS, Krista Avery and Manuel Bargiela are seeking the transfer of a Type 21 off-sale general license from 201 Leland Avenue to 500 Laguna Street for O Camino, dba Nosa Ria; and,

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

WHEREAS, The Police Department has filed one (1) protest with the Department of Alcoholic Beverage Control under California Business and Professions Code, Section 24013, and recommends that the Department of Alcoholic Beverage Control issue the liquor license with conditions; and

WHEREAS, The conditions recommended by the Police Department are the following: 1) Sales, service and consumption of alcoholic beverages shall be permitted between the hours of 11:00 a.m. to 9:00 p.m. each day of the week; 2) No noise shall be audible beyond the area under control of the licensee as depicted on ABC-257; 3) Loitering (defined as "to stand idly about; linger aimlessly without lawful business") shall be prohibited on any sidewalks or property adjacent to the licensed premises.
under the control of the licensee(s) as depicted on the ABC-257 dated October 19, 2012; 4) The exterior of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the premises. Additionally, the position of such light shall not disturb the normal privacy and use of any neighboring residences; 5) No person under the age of 21 shall sell or deliver alcoholic beverages; 6) The sale of distilled spirits in sizes smaller than 200 ml shall be strictly prohibited; 7) No sales of malt liquors or ice beers; 8) Beer, malt beverages, and wine coolers of 16oz. or less shall not be sold in single containers, and must be sold in manufacturers pre-packaged multi-unit quantities; 9) No wine shall be sold with an alcoholic content of greater than 15% by volume except for "Dinner Wines" which have been aged two years or more; 10) Wine shall not be sold in bottles or containers smaller than 750 ml; and 11) The petitioner shall utilize electronic surveillance and recording equipment that is able to view the outside of the premises, including all entrances and exits, and that is actively monitored and recorded. The electronic surveillance shall be utilized during operating hours. Said electronic recording shall be kept at least 30 days and shall be made available to the Department or Police Department upon demand; now, therefore, be it

RESOLVED, That in accordance with California Business and Professions Code, Section 23958.4, the Board of Supervisors of the City and County of San Francisco hereby determines for the foregoing reasons that the transfer of a Type 21 off-sale general license from 201 Leland Avenue to 500 Laguna Street 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; and, be it

FURTHER RESOLVED, That the Board of Supervisors of the City and County of San Francisco hereby endorses and adopts Police Department recommendations one
through 10, listed above, but does not endorse or adopt condition 11 (requiring electronic surveillance), and recommends that the Department of Alcoholic Beverage Control issue the license without condition 11.
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

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

4/17/13