

File No. 110003

Committee Item No. 3

Board Item No. _____

**COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST**

Committee: **City Operations & Neighborhood
Services Committee**

Date 5/23/11

Board of Supervisors Meeting

Date _____

LIQUOR LICENSE HEARING

Cmte Board

- | | | |
|-------------------------------------|--------------------------|----------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Applicant's Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Police Department Report |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Planning Department Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Clerk's Correspondence |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Other |

- _____
- _____
- _____
- _____
- _____
- _____

Completed by Gail Johnson

Date 5/20/11

Completed by _____

Date _____

D & H

Sustainable Jewelers

Dear Board of Supervisors,

The issuance of this license represents a new idea in cross marketing. Our primary function, as it has been for the past 21 years, is to serve the artist community through fine jewelry representation and other mixed media artist representation. My experience has shown me that those who shop for fine art jewelry and fine art are also the consumer that shops for fine wine, and the experience associated with tasting.

This jewelry store is going to be 100% sustainable from lighting and business operations to the actual product that is carried. Intending to change the face of green by offering luxurious green ideas combined together. The wine bar, a small part of our business, will offer sustainable higher end local wine tasting to complete the experience. The cross use of the mailing lists of the wineries we are partnering with will introduce not only a more diverse clientele who may have never shopped the area, but also a well qualified consumer to spend well needed dollars at all of the surrounding businesses.

In addition, we do not intend to create a bar scene as that would only jeopardize our security and ideals. We will be keeping normal retail business hours.

Please do not hesitate to call us with further questions; we look forward to the opportunity to help you see our vision.



Shawn Higgins, GG
Managing member
D & H sustainable jewelers

contact — Lindsay Dannel (831) 214-9833
Shawn Higgins (415) 845-3404

LIQUOR LICENSE REVIEW

TO: Planning Department
AnMarie Rodgers/CTYPLN/SFGOV
Georgia Powell/CTYPLN/SFGOV@SFGOV
Fax No.: 558-6409

File: 110003

Block/lot: 3563/030

Zoning: Upper market

Quad: SW

MB #: 1101002

TO: Inspector Dave Falzon
Police Department
Fax No.: 553-1463

DATE: January 11, 2011

This item is scheduled to be heard at a meeting on February 14, 2011. **PLEASE E-MAIL YOUR RESPONSE BY: February 10, 2011, to Gail Johnson, Clerk, City Operations and Neighborhood Services Committee.**

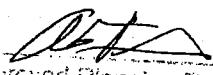
Gail.Johnson@sfgov.org - Fax No: 554-7714

Applicant Name: Shawn Higgins
and Business Name: D & H Sustainable Jewelers

Applicant Address: 2323 Market Street
and Phone No. (415) 845-3404

PLANNING COMMENTS: Approval Denial

A beer and wine license is permitted in conjunction with a bar use (wine bar) approved by the CPL under Motion No. 18296, which is attached.


5/11/11
Approved Planning Dept. Adrian C. Putra

POLICE COMMENTS: Approval Denial

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a bar to be located within the existing retail jewelry store (d.b.a D&H Sustainable Jewelers) at 2323 Market Street, Block 3563, Lot 030 pursuant to Planning Code Section(s) 721.41, 790.22, and 303 within the Upper Market NCD and a 50-X Height and Bulk District; in general conformance with plans, dated December 9, 2010, and stamped "EXHIBIT B" included in the docket for Case No. 2010.1095C and subject to conditions of approval reviewed and approved by the Commission on March 17, 2011 under Motion No 18296. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the Project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on March 17, 2011 under Motion No. 18296.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18296 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the Project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed Project and conveys no independent right to construct the Project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.*
2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s). *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.*

DESIGN

3. **Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff before submitting any building permits for construction of the Project. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program/plan information shall be submitted and approved as part of the site permit for the Project. All exterior signage shall be designed to compliment, not compete with, the existing architectural character and architectural features of the building. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org*

MONITORING

4. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction... *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*

5. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific Conditions of Approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.*

OPERATION

6. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. *For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org/>*
7. Patrons are not permitted to consume wine outside of the enclosed building. Sidewalk tables and chairs are not permitted. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.*
8. This Authorization limits the Alcoholic Beverage Control licenses to Type 42. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.*
9. No more than 1/3 of the occupied floor area of the commercial tenant space may be dedicated to the sale and service of alcohol for on-site consumption, as designated on the plans marked Exhibit B included in the docket for Case No. 2010.1095C. Private events that are closed to the public may exceed this provision if there is signage posted that the business is closed for a private event. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.*
10. The hours of operation for the sale and/or service of wine for on-site consumption shall be limited from 9:00a.m. to 10:00p.m., daily, and may only occur while the existing retail use (or any future permitted-by-right use) is open for business. Private events that are closed to the public may exceed this provision if there is signage posted that the business is closed for a private event. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.*

INFORMATION AND INSTRUCTIONS RECEIVED

SECTION 23958.4 B&P

BOARD OF SUPERVISORS
SAN FRANCISCO

2010 DEC 27 PM 1:15

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 the 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 ABC

1. APPLICANT'S NAME

DAUNELL AND HIGGINS LLC

2. PREMISES ADDRESS (Street number and name, city, zip code)

2323 MARKET ST. SAN FRANCISCO, CA 94114 1617

3. LICENSE TYPE

42

4. TYPE OF BUSINESS

- | | | | |
|---|--|--|---|
| <input type="checkbox"/> Full Service Restaurant | <input type="checkbox"/> Hofbrau/Cafeteria | <input type="checkbox"/> Cocktail Lounge | <input type="checkbox"/> Private Club |
| <input type="checkbox"/> Deli or Specialty Restaurant | <input type="checkbox"/> Comedy Club | <input type="checkbox"/> Night Club | <input type="checkbox"/> Veterans Club |
| <input type="checkbox"/> Cafe/Coffee Shop | <input type="checkbox"/> Brew Pub | <input type="checkbox"/> Tavern: Beer | <input type="checkbox"/> Fraternal Club |
| <input type="checkbox"/> Bed & Breakfast | <input type="checkbox"/> Theater | <input type="checkbox"/> Tavern: Beer & Wine | <input checked="" type="checkbox"/> Wine Tasting Room |
| <input type="checkbox"/> Wine only | <input type="checkbox"/> All | | |
| <input type="checkbox"/> Supermarket | <input type="checkbox"/> Membership Store | <input type="checkbox"/> Service Station | <input type="checkbox"/> Swap Meet/Flea Market |
| <input type="checkbox"/> Liquor Store | <input type="checkbox"/> Department Store | <input type="checkbox"/> Convenience Market | <input type="checkbox"/> Drive-in Dairy |
| <input type="checkbox"/> Drug/Variety Store | <input type="checkbox"/> Florist/Gift Shop | <input type="checkbox"/> Convenience Market w/Gasoline | |
| <input type="checkbox"/> Other - describe: | | | |

5. COUNTY POPULATION

824,525

6. TOTAL NUMBER OF LICENSES IN COUNTY

317

7. RATIO OF LICENSES TO POPULATION IN COUNTY

1:2000

8. CENSUS TRACT NUMBER

0203

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

10

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

29

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the 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 exceeds the number allowed
- No, the number of existing licenses is lower than the number allowed

3x PUB

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

- Yes (Go to Item #13)
- No (Go to Item #20)

13. CRIME REPORTING DISTRICT NUMBER

402

14. TOTAL NUMBER OF REPORTING DISTRICTS

654

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

120,367

16. AVERAGE NO. OF OFFENSES PER DISTRICT

184

17. 120% OF AVERAGE NUMBER OF OFFENSES

221

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

189

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)

- Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17
- No, the total number of offenses in the reporting district is lower than the total number in item #17

20. CHECK THE BOX THAT APPLIES (check only one box)

- a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.
- b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.
- c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name:

SF BOARD OF SUPERVISORS

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

PART 2 - TO BE COMPLETED BY THE APPLICANT (If box #20b is checked)

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 license. Please describe below the reasons why issuance of another license is justified in this area. You may attach a separate sheet or additional documentation, if desired. Do not proceed to Part 3.

Please see attached letter

22. APPLICANT SIGNATURE

23. DATE SIGNED

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., an over-concentration of licenses and/or a higher than average crime rate as defined in Section 23958.4 of the Business and Professions Code). Sections 23958 and 23958.4 of the Business and Professions Code requires the Department to deny the application unless the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days 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 letter on official letterhead stating whether or not the issuance of the applied for license would serve as a public convenience or necessity.

24. WILL PUBLIC CONVENIENCE OR NECESSITY BE SERVED BY ISSUANCE OF THIS ALCOHOLIC BEVERAGE LICENSE?

Yes

No

See Attached (i.e., letter, resolution, etc.)

25. ADDITIONAL COMMENTS, IF DESIRED (may include reasons for approval or denial of public convenience or necessity):

26. CITY/COUNTY OFFICIAL NAME

27. CITY/COUNTY OFFICIAL TITLE

28. CITY/COUNTY OFFICIAL PHONE NUMBER

29. CITY/COUNTY OFFICIAL SIGNATURE

30. DATE SIGNED