

File No. 140183

Committee Item No. 2

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Neighborhood Services & Safety Date July 17, 2014

Board of Supervisors Meeting Date \_\_\_\_\_

#### Cmte Board

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Analyst Report                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form (for hearings)             |
| <input type="checkbox"/>            | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Application                                  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Public Correspondence                        |

#### OTHER (Use back side if additional space is needed)

- |                                     |                          |                    |
|-------------------------------------|--------------------------|--------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Liquor License PCN |
| <input type="checkbox"/>            | <input type="checkbox"/> | _____              |
| <input type="checkbox"/>            | <input type="checkbox"/> | _____              |
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Completed by: Derek Evans Date 7/11/14

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

An asterisked item represents the cover sheet to a document that exceeds 25 pages.  
The complete document can be found in the file.



San Francisco Police Department  
**ABC Liaison Unit**



Alcoholic Beverage License -  
*Public Convenience and  
Necessity Recommendation*

**To:** The San Francisco Board of Supervisors-Neighborhood Services and  
Safety Committee

**Supervisor David Campos**  
**Supervisor Eric Mar**  
**Supervisor Norman Yee**

**From:** Officer Alberto Duarte  
ABC Liaison Unit (ALU) 553-1049

**Date:** March 15, 2014

**Subject:** P.C.N. Investigation Regarding: 854 Geary, LLC  
DBA: Tender  
854 Geary Street  
Miriam Lipton  
(415) 271-1067

Miriam Lipton on behalf of 854 Geary, LLC, *dba* Tender, has filed an application with the California Department of Alcoholic Beverage Control seeking a Type 42 (On-Sale Public Premise) license for 854 Geary Street. Tender plans on the promotion and sales of fine and high value wines and locally crafted beer. Ms. Lipton, although not required to do so, plans of the sale of small plate foods.

It should be noted that during the application process, notification date for the 500' mailer was on February 17, 2014. The Notice to the Public was posted on February 4, 2014.

For the purposes of this hearing, the California Department of Alcoholic Beverage Control (ABC) seeks a determination from the Board of Supervisors as to the approval or denial of this license.

**Police Calls for Service:** From February 2013 to February 2014

**0 Police calls** \* **The store front has been vacant for an extended period prior to this business**

**Police Reports:** From February 2013 to February 2014

**0 Reports**

**San Francisco Plot Information:**

This premise is located in Plot **542**

The High Crime area is defined as **86** or more police reports in a plot.

This plot had **217** police reports recorded for 2013.

The Applicant's premise is located in a "**High Crime**" area.

**State Census Tract Information:**

This premise is located in Census Tract **122.01**

Population for this tract is: **4,567**

On-sale license authorized by census tract: **15**

Active on-sale licenses: **16**

Off-sale licenses authorized by census tract: **4**

Active off-sale licenses: **4**

Applicant's premise is **currently** located in an "**undue concentrated**" area.

**Letters of Protest:**

**Three (3) letters of protest** were received by the California Department of Alcoholic Beverage Control, (ABC). One letter was conditional.

**Letters of Support:**

**None recorded** with the California Department of Alcoholic Beverage Control, (ABC).

**Departmental Recommendation:**

ALU recommends approval with the following conditions (attached).

File #: 42-541602

First Owner: 854 Geary, LLC  
Name of Business: Tender  
Location of Business: 854 Geary Street  
San Francisco, CA 94109-7228

**Conditions for Type 42 On Sale Beer and Wine Public Premise**

1. Sales, service and consumption of alcoholic beverages shall be permitted from 3 pm until 12 am Daily (with the exception of the Holiday "New Years eve", then Tender may be allowed to sell and service alcoholic beverages until 2 am).
2. The sale of beer beverages for off-sale consumption is strictly prohibited.
3. No noise shall be audible beyond the area under the control of the licensee as defined on the applicant's ABC-257 form.
4. The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
5. 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 the control of the licensee as depicted on the applicant's ABC-257 form.
6. 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 lighting shall not disturb the normal privacy and use of any neighboring residences.

Officer Al. Duarte #1433

FROM: PT00ALUB ISN: 3 ITIME: 02/07/2014 08:32:54  
TO: PPO0ALUZ OSN: 0 OTIME: 02/07/2014 08:32:54

Original Message

FROM: CABLE ISN: 06441 DATE: 02/07/14 TIME: 08:32:46 ADMIN MSG  
TO: PT00ALUB OSN: 00003 DATE: 02/07/14 TIME: 08:32:47

S A N F R A N C I S C O P O L I C E D E P A R T M E N T  
G E O G R A P H I C L O C A T I O N S Y S T E M

REQUESTED LOCATION => 0854 /GEARY /ST  
TYPE => PREMISE ADDRESS  
HOUSE NUMBER => 0854  
STREET NAME => GEARY  
STREET TYPE => STREET  
STREET NUMBER => 0679  
LOW HOUSE NUMBER => 0001  
HIGH HOUSE NUMBER => 1099  
HIGH HOUSE ON BLOCK => 0898  
BLOCKFACE NUMBER => 10139  
HIGH CROSS STREET => 0969  
INTERSECTION NUMBER => 01911  
REPORTING AREA => 542  
DISTRICT => CENTRAL  
CENSUS TRACT => 000122

Department of Alcoholic Beverage Control

State of California

**APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)**

ABC 211 (6/99)

*Miriam Lipton*

**TO:** Department of Alcoholic Beverage Control  
33 NEW MONTGOMERY STREET  
SUITE 1230  
SAN FRANCISCO, CA 94105  
(415) 356-6500

File Number: **541602**  
Receipt Number: **2213343**  
Geographical Code: **3800**  
Copies Mailed Date: **January 31, 2014**  
Issued Date:

*(4A) 271-1067*

**DISTRICT SERVING LOCATION:** SAN FRANCISCO  
**First Owner:** **854 GEARY, LLC**  
**Name of Business:** **TENDER**  
**Location of Business:** **854 GEARY ST**  
**SAN FRANCISCO, CA 94109-7228**

*Booth # 214/11*  
*2/19/14*

**County:** **SAN FRANCISCO**  
**Is Premise inside city limits?** **Yes** **Census Tract** **0122.01**

**Mailing Address:** **229 ARGUELLO BLVD**  
**(If different from premises address)** **SAN FRANCISCO, CA 94118-1406**

*4/20/14*  
*1500-3900*

**Type of license(s):** **42**

**Transferor's license/name:** \_\_\_\_\_ **Dropping Partner:** Yes \_\_\_ No

<u>License Type</u>	<u>Transaction Type</u>	<u>Fee Type</u>	<u>Master</u>	<u>Dup</u>	<u>Date</u>	<u>Fee</u>
42 - On-Sale Beer And Win	ORIGINAL FEES	NA	Y	0	01/31/14	\$300.00
42 - On-Sale Beer And Win	ANNUAL FEE	NA	Y	0	01/31/14	\$261.00
NA	STATE FINGERPRINTS	NA	N	1	01/31/14	\$39.00
NA	FEDERAL FINGERPRINTS	NA	N	1	01/31/14	\$24.00
<b>Total</b>						<b>\$624.00</b>

**Have you ever been convicted of a felony?** **No**  
**Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act?** **No**

Explain any "Yes" answer to the above questions on an attachment which shall be deemed part of this application.

Applicant agrees (a) that any manager employed in an on-sale licensed premises will have all the qualifications of a licensee, and (b) that he will not violate or cause or permit to be violated any of the provisions of the Alcoholic Beverage Control Act.

STATE OF CALIFORNIA County of **SAN FRANCISCO** Date: **January 31, 2014**

Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He is an applicant, or one of the applicants, or an executive officer of the applicant corporation, named in the foregoing application, duly authorized to make this application on its behalf; (2) that he has read the foregoing and knows the contents thereof and that each of the above statements therein made are true; (3) that no person other than the applicant or applicants has any direct or indirect interest in the applicant or applicant's business to be conducted under the license(s) for which this application is made; (4) that the transfer application or proposed transfer is not made to satisfy the payment of a loan or to fulfill an agreement entered into more than ninety (90) days preceding the day on which the transfer application is filed with the Department or to gain or establish a preference to or for any creditor or transferor or to defraud or injure any creditor of transferor; (5) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

Effective July 1, 2012, Revenue and Taxation Code Section 7057, authorizes the State Board of Equalization and the Franchise Tax Board to share taxpayer information with Department of Alcoholic Beverage Control. The Department may suspend, revoke, and refuse to issue a license if the licensee's name appears in the 500 largest tax delinquencies list. (Business and Professions Code Section 494.5.)

**Applicant Name(s)**  
**854 GEARY, LLC**

**Applicant Signature(s)**  
**See 211 Signature Page**

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
**PUBLIC NOTICE OF APPLICATION  
TO SELL ALCOHOLIC BEVERAGES**

ACCOUNT 854 GERRY LLC  
OF LICENSE 42 - On Site Beer & Wine Public Premises  
ISS NAME Tender

ADDRESS OF PREMISES 854 Gerry St, San Francisco, CA 94109  
CLIENT HAS FILED FOR:  NEW LICENSE  CHANGE LICENSE PRIVILEGES

PREMISES TO PREMISES TRANSFER

**VERIFIED PROTEST IS TO BE MADE AGAINST THIS APPLICATION. IT MUST BE RECEIVED BY ANY OFFICE OF THE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL, 1987 LEONARD DRIVE, SUITE 100, SACRAMENTO, CALIFORNIA, 95833, WITHIN 30 DAYS OF DATE POSTED. PROTESTS MUST BE VERIFIED. FURTHER INFORMATION REGARDING THIS APPLICATION AND VERIFICATION FORMS MAY BE OBTAINED AT**

SAN FRANCISCO A.B.C. DIST. OFFICE  
33 NEW MONTGOMERY ST., SUITE 1200  
SAN FRANCISCO, CA 94103  
TEL. 415-384-6500

ISSUES ARE (NOT NOW)  LICENSED TO SELL ALCOHOLIC BEVERAGES

4 2014

**WARNING**  
This form is for informational purposes only. It does not constitute an application for a license. The Department of Alcoholic Beverage Control will not accept this form as an application for a license. For more information, please contact the Department of Alcoholic Beverage Control at 415-384-6500.

**INFORMATION AND INSTRUCTIONS -**

**SECTION 23958.4 B&P**

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 an 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

854 Geary LLC

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

854 Geary St., San Francisco, CA 94109

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 checked="" type="checkbox"/> Tavern: Beer & Wine | <input 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

4,567,812, 820

6. TOTAL NUMBER OF LICENSES IN COUNTY

284

- On-Sale  Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY

- On-Sale  Off-Sale

8. CENSUS TRACT NUMBER

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

15

- On-Sale  Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

16

- On-Sale  Off-Sale

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

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

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

13. CRIME REPORTING DISTRICT NUMBER

548

14. TOTAL NUMBER OF REPORTING DISTRICTS

653

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

46,883

16. AVERAGE NO. OF OFFENSES PER DISTRICT

72

17. 120% OF AVERAGE NUMBER OF OFFENSES

86

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

262

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.

(BACK) Board of Supervisors

Governing Body/Designated Subordinate Name:

**FOR DEPARTMENT USE ONLY**

PREPARED BY (Name of Department Employee)

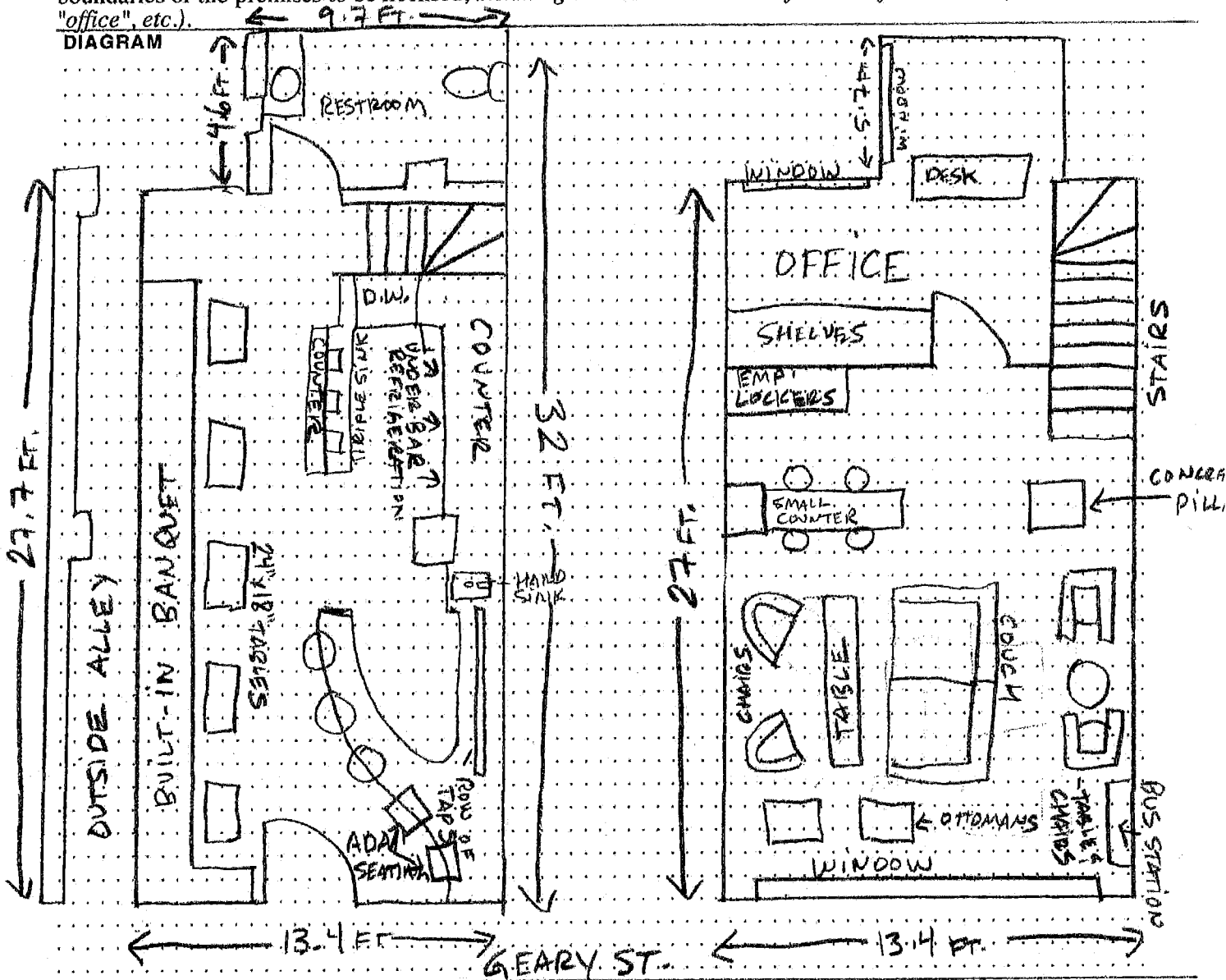
BA



Department of Alcoholic Beverage Control  
**LICENSED PREMISES DIAGRAM (RETAIL)**

1. APPLICANT NAME (Last, first, middle) <b>854 GEARY, LLC</b>	2. LICENSE TYPE <b>42</b>
3. PREMISES ADDRESS (Street number and name, city, zip code) <b>854 GEARY ST. SAN FRANCISCO, CA 94109</b>	4. NEAREST CROSS STREET <b>HYDE ST.</b>

The diagram below is a true and correct description of the entrances, exits, interior walls and exterior boundaries of the premises to be licensed, including dimensions and identification of each room (i.e., "storeroom", "office", etc.).



It is hereby declared that the above-described boundaries, entrances and planned operation as indicated on the reverse side, will not be changed without first notifying and securing prior written approval of the Department of Alcoholic Beverage Control. I declare under penalty of perjury that the foregoing is true and correct.

APPLICANT SIGNATURE (Only one signature required)	DATE SIGNED
<b>FOR ABC USE ONLY</b>	
CERTIFIED CORRECT (Signature)	INSPECTION DATE
PRINTED NAME	



**California Department of Alcoholic Beverage Control  
For the County of SAN FRANCISCO - (On-Sale  
Licenses)  
and Census Tract = 122.01**

Report as of 7/1/2014

	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1)	<u>244742</u>	ACTIVE	48	3/21/1990	2/28/2015	FIGARI, RICK F 875 GEARY ST SAN FRANCISCO, CA 94109  Census Tract: 0122.01	HA RA CLUB		3800
2)	<u>270255</u>	ACTIVE	41	3/18/1992	5/31/2015	LE, KHIEM DUY 808 GEARY ST SAN FRANCISCO, CA 94109  Census Tract: 0122.01	ANH HONG RESTAURANT		3800
3)	<u>293304</u>	SUREND	48	7/11/1994	6/30/2014	JEA IL INC 699 OFARRELL ST SAN FRANCISCO, CA 94109-7403  Census Tract: 0122.01	NITECAP	2045 SUTTER ST SAN FRANCISCO, CA 94115	3800
4)	<u>333340</u>	ACTIVE	48	9/10/1997	8/31/2014	YUNG, GARY FAY 823 GEARY ST SAN FRANCISCO, CA 94109  Census Tract: 0122.01	CASTLE CLUB		3800
5)	<u>346786</u>	ACTIVE	48	11/3/1998	10/31/2014	CHOE, SANG MI 894 GEARY ST SAN FRANCISCO, CA 94109  Census Tract: 0122.01	OUTSIDER THE		3800
6)	<u>351422</u>	ACTIVE	48	4/12/1999	3/31/2015	CHEN, JAMES 782 OFARRELL ST SAN FRANCISCO, CA 94109  Census Tract: 0122.01	CLUB KRISTI	206 E CRYSTAL COVE TER SAN FRANCISCO, CA 94134	3800
7)	<u>362658</u>	ACTIVE	48	1/19/2001	12/31/2014	MCGRATH, MARTINA ANN 800 LARKIN ST SAN FRANCISCO,	OFARRELL STREET BAR		3800

						CA 94109			
						Census Tract: 0122.01			
8)	<u>388512</u>	ACTIVE	41	10/7/2002	9/30/2014	US RESTAURANT MANAGEMENT LLC 869 GEARY ST SAN FRANCISCO, CA 94109	A LA TURCA	5145 DIAMOND HEIGHTS BLVD SAN FRANCISCO, CA 94131	3800
						Census Tract: 0122.01			
9)	<u>412457</u>	ACTIVE	48	6/23/2004	5/31/2015	ALIBI LLC THE 839 GEARY ST SAN FRANCISCO, CA 94109-7217	WHISKEY THIEVES	2440 16TH STREET, # 203 SAN FRANCISCO, CA 94103	3800
						Census Tract: 0122.01			
10)	<u>484508</u>	ACTIVE	41	1/19/2010	12/31/2014	DONGHAE INVESTMENT INC 631 OFARRELL ST, STE 1010 SAN FRANCISCO, CA 94109-7489	DONG BAEK KOREA RESTAURANT	631 O'FARRELL ST SAN FRANCISCO, CA 94109	3800
						Census Tract: 0122.01			
11)	<u>512592</u>	ACTIVE	41	9/14/2011 8:14:10 AM	8/31/2014	LEERS ROS 730 LARKIN ST SAN FRANCISCO, CA 94109-7117	LEERS ROS THAI NOODLE		3800
						Census Tract: 0122.01			
12)	<u>521283</u>	ACTIVE	41	8/7/2012 3:57:30 PM	7/31/2014	SHEIKH, MOHAMMAD I 612 OFARRELL ST SAN FRANCISCO, CA 94109-7404	LAHORE KARAH		3800
						Census Tract: 0122.01			
13)	<u>525037</u>	ACTIVE	41	11/2/2012 9:56:10 AM	10/31/2014	DABCO, LLC 620 OFARRELL ST SAN FRANCISCO, CA 94109-7404			3800
						Census Tract: 0122.01			
14)	<u>530193</u>	ACTIVE	48	4/9/2013 1:32:40 PM	3/31/2015	ALCYONE, LLC 701 GEARY ST SAN FRANCISCO, CA 94109-7301	TROCADERO CLUB	127 STEVENSON ST SAN FRANCISCO, CA 94105-3403	3800
						Census Tract: 0122.01			
15)	<u>542876</u>	ACTIVE	41	5/5/2014 4:27:08 PM	4/30/2015	2E SHQAIR INC 868A GEARY ST			3800

						SAN FRANCISCO, CA 94109-7228  Census Tract: 0122.01			
16)	64515	ACTIVE	48	1/1/1994	5/31/2015	AZALA ENTERPRISES INC 768 GEARY ST SAN FRANCISCO, CA 94109  Census Tract: 0122.01	AZALA ENTERPRISES INC		3800

--- End of Report ---

For a definition of codes, view our [glossary](#).

April 1, 2014

Miriam Lipton  
854 Geary St.  
San Francisco, CA 94118  
415-271-1067

### **854 Geary, LLC DBA Tender Business Summary**

My name is Miriam Lipton and I have applied with the local Alcoholic Beverage Control (ABC), for a TYPE 42 On Sale Beer and Wine Public Premises license. Ownership for the business is registered under the name 854 Geary, LLC. DBA name is Tender. I am the sole owner of 854 Geary, LLC.

Tender will be a small public wine and food establishment serving Northern California wine on tap. I will feature local, artisanal cheeses, charcuterie, fruit, crudite, olives, bread, chocolate and dessert. Tender will operate six days a week from 4:00 PM to 11:00 PM on Monday and Wednesday (closed on Tuesday), from 4:00 PM to 12:00 PM on Thursday, from 4:00 PM to 1:00 AM on Friday and Saturday and from 3:00 PM to 11:00 PM on Sunday. We may be open earlier for special events.

I expect that approximately 65% of revenue will come from wine sales and 35% from food, special event rental fees and art sales. The management of 854 Geary, LLC is well-suited to operating a small business in the city of San Francisco and has experience managing and training a staff and managing all aspects of ordering products, maintaining stock and managing the bookkeeping. The staff at Tender will be trained for food safety and beverage service and will be experienced in the hospitality industry. On average I expect to have three to four full-time employees, myself included. As the owner and manager, I expect to be there every day working at least 50 hours per week. I have been approached by several locals looking for work and plan to hire as many qualified

neighborhood residents as possible. I have hired a payroll company and have a sommelier and restaurant manager acting as consultants.

I believe Tender will be a unique and welcome addition to the Tenderloin neighborhood. While there are several bars in the area, there are very few wine bars. We are occupying a retail space that has been vacant for decades. I believe that vacant commercial space contributes unfavorably to the overall health and perceived health of a neighborhood and I am excited to be a part of the revitalization of this beautiful old building. I am focused on serving locally produced goods and my adherence to a tap only business model is a green, eco-friendly alternative to typical wine/beer establishments. The wine I will serve at Tender cannot be found in liquor stores, big box stores or even other wine bars as all of my wines are produced for distribution in kegs. Wine on tap, while not brand new, is just now started to build in popularity. With kegged wine there is virtually no waste. It is an extremely green and eco-friendly way to enjoy wine and I believe is an excellent business model for a friendly neighborhood place for people to gather and enjoy a product not readily available elsewhere. The recycling and pick up of bottles at most bars and restaurants takes place in the wee hours of the night and early morning and can result in an extreme amount of noise and sleep disruption for neighborhood residents. With wine on tap, there are no bottles being recycled. Kegs will be delivered during business hours and will not disturb the residents of the building.

In order to secure the quiet enjoyment of the residents in the neighborhood, I have amended my application with ABC to reflect earlier closing times. I will post a No Smoking and a No Loitering sign in the front window of my business. There will be no off-sale wine or beer, no after-hours parties or events and no live music or DJs. I am committed to keeping the sidewalk free of debris and litter. I will make sure that patrons understand that we are operating beneath a residential apartment building and that people being excessively loud or unruly will not be tolerated. I will hire a doorman on Fridays and Saturdays to check ID's and to serve as a deterrent to loiterers, to those that might disrupt the peace or any persons attempting to engage in any illegal activity. I will comply with any additional conditions imposed upon me by the ABC and/or local law

enforcement in order to ensure that my business will not disrupt the residents way of life and will do everything within my power to make sure that Tender is not a detriment to the community, but a safe and pleasant place for people in the neighborhood to enjoy fine products in a beautiful setting.

I have invested a considerable amount of time and money in improving the overall appearance of the space and have made many upgrades to both the interior and the exterior. This investment is not only a commitment to Tender, but also a commitment to the community in providing a high-quality, moderately-priced, eco-friendly product in a safe, beautiful and relaxing environment. I hope to appeal to both locals and visitors alike who want to enjoy good conversation and connect with one another in a space that feels welcoming and unpretentious. I plan to feature a revolving art show every other month and have secured two Tenderloin galleries (Whitewalls and Evergold) to help curate shows of local artists. I commissioned two murals that were painted recently on the premises. The interior mural is a 28 foot long piece painted by local artist Andrew Schoultz and is the focal point of the downstairs space. I also had a mural painted on the roll down gate by artist Ben Eine. Both Schoultz and Eine are rising stars in the contemporary art world and have works in the permanent collections of many contemporary art museums including the SFMoMA. Their works at Tender are there for all the neighborhood to enjoy.

I have lived and worked in San Francisco for the last 24 years. I am a single mother of two teenagers and am a two-time cancer survivor. I have put my limited resources into making this business a reality and am truly committed to making Tender a valued asset to this neighborhood and community.

February 12, 2014

Miriam Lipton  
854 Geary St.  
San Francisco, CA 94118

---

Dear Tenderloin Neighbors,

My name is Miriam Lipton and I am opening a wine bar called Tender at 854 Geary St. As part of the permitting process required by The Dept. of Alcoholic Beverage Control (ABC), I must notify all residents within a 500 square foot radius informing them of my plans to offer alcohol on the premises. I thought I would take this opportunity to include a more personal letter to introduce myself and give you all an idea of what I have in mind for the premises.

The space at 854 Geary has not been open for public use in decades. I am so excited to be a part of the revitalization of this beautiful old building! The entire space is being renovated and fixtures will include locally sourced reclaimed wood counters and tables, a built-in banquet and a twenty-eight foot long mural painted by local artist, Andrew Schoultz, a rising star in the contemporary art world with pieces housed in the permanent collections of several major American museums.

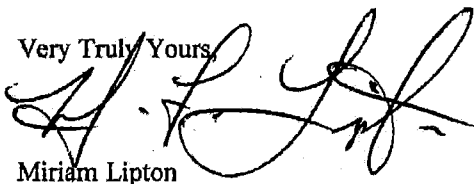
It is my intention to offer wine and beer on tap and a carefully chosen selection of local artisanal cheeses, cured meats and chocolates presented beautifully in a relaxed, warm and unpretentious atmosphere. Wine on tap is an eco-friendly alternative to bottled wine and reduces the massive amount of glass that can be generated by an enterprise such as mine. Hooray for less noise at recycling pick-up time!

I love people and great conversation and hope to attract both to this new, neighborhood gathering place. I have been living and working in San Francisco for the past 23 years and while this is my first foray into the hospitality industry, I have owned and operated other retail businesses in The City.

I understand that a business that serves alcoholic beverages may be met with some trepidation and even resistance. It is my intention to provide a special and unique gathering place that adds to the eclectic vibe of the Tenderloin. I hope to create an inviting space for locals and visitors alike to enjoy some of the fantastic things the Bay Area is most known for, namely, lovingly crafted wine, beer, food and interesting people! I have named my new establishment "Tender" in honor of the neighborhood in which she resides.

I hope that this letter has answered some of the questions you may have had. I also hope you will consider stopping by as we continue to make progress towards opening our doors in early spring. If you would like more information or have any additional questions or concerns, please do not hesitate to contact me via email at [miriam.tendersf@gmail.com](mailto:miriam.tendersf@gmail.com).

Very Truly Yours,



Miriam Lipton



**DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL**3927 Lennane Drive, Suite 100, Sacramento, CA 95834  
www.abc.ca.gov**NOTICE**

March 27, 2014

JEFFREY CLAY BARCUS  
500 HYDE ST # 501  
SAN FRANCISCO, CALIFORNIA 94109854 GEARY, LLC  
TENDER  
854 GEARY ST  
SAN FRANCISCO, CA 94109-7228  
File: 42-541602

Your protest has been received and accepted. A copy has been sent to the applicant.

If the applicant withdraws the application for licensure or if Department denies issuance of the license and the applicant does not request a hearing, you will receive no further notice from the Department.

If the application for licensure is recommended for approval, you will be contacted to see if you wish to request a protest hearing.

If the Department denies issuance of the license, and the applicant requests a hearing, the protest hearing will be held at the same time. You will be notified of the date, time and place of the hearing. You will be expected to attend the hearing and to testify regarding your protest. If you are unable to attend the hearing, you may appoint someone of your choice to represent you at the hearing. Failure to do so will result in the dismissal of your protest by the Administrative Law Judge. If you cannot or choose not to attend the hearing, please notify the District Office, below.

Please contact the San Francisco District Office at (415) 356-6500 if you have any questions.

vp

Copy:  San Francisco District office  
 Applicant(s) with Enclosure  
 Representative(s) with Enclosure

# PROTEST AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION

- Refer to Form ABC-510, Information Regarding ABC License Application and Protests (Rev. April 2010), before completing and submitting your protest. The ABC-510 is located at [www.abc.ca.gov](http://www.abc.ca.gov) and in each district office.
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- You will be notified by letter whether or not your protest is accepted.
- If the Department recommends licensure, you will be afforded the opportunity to request a hearing on your protest.
- If a hearing is scheduled as to whether or not a license should be granted, you or your authorized representative will need to attend the hearing to testify and/or present evidence to support your protest, or your protest will be deemed abandoned.
- All protests submitted to the ABC are public records and are open to inspection pursuant to the California Public Records Act (CPRA). (Gov. Code sec. 6254 *et seq.*)
- A copy of all valid and verified protests (ABC-510-A) and Protestant's/Complainant's Declaration (ABC-128) will be provided to the applicant as part of the licensing process.

I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:  
**854 Geary, LLC**

(Name(s) of Applicant(s))

For premises at:

**854 Geary Street, San Francisco, California 94109**

(Exact address of proposed premises)

on the grounds that:

1. The Premise is located 500 feet of my residence and the normal operations of the licensed premises will interfere with the quiet enjoyment of my home. Noise Abatement Issues are of serious concern. You can hear people talking outside this establishment in a normal tone. Sound travels in the acoustics of the surrounding buildings. This neighborhood is one of the most densely populated areas of the city per Census Tract 122.01 with RC-4 Zoning, including student housing, apartments, apartment hotels, residential and tourist hotels as well as children playgrounds (Code MP 23789).
2. The proposed premises are located in a high crime district (MP Code 23958.4c and 23956.4 a-1) that has a 20% greater number of reported crimes and calls for service from the SFPD local law enforcement agency and issuance would therefore create additional public safety issues. This is an area of know white supremacy members, a high number of drug arrests, and houses the highest concentration of parolees in the city. Contact S. F. District Attorney Office the Hate Crimes Division he can inform you of the problems with the last establishment and the Federal Bureau of Investigations discovery of the area involving White Supremacy activity (See City & County of S.F. Superior Court No.214722 & No.202857/Court of First Appellate District

(See Attached Sheets)

Check here if additional sheets attached

I, JEFFREY CLAY BARCUS, declare under penalty of perjury:  
PRINT (Name of Protestant)

- (1) That I am the Protestant herein;
- (2) That I have read the above protest and know the contents thereof; and
- (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE <b>San Francisco, California</b>	TELEPHONE NUMBER (Optional & non-public) <b>415-596-0185</b>
SIGNED AT (City and State) <b>500 Hyde Street, Apt. 501, San Francisco, California 94109</b>	DATE SIGNED <b>03/2/2014</b>
PROTESTANT'S ADDRESS (Full address - Street name & number, Unit or Apt. No., City, State, & Zip Code)	

ABC-510-A (Rev. April 2010)

**RECEIVED**

**MAR 25 2014**

Hearing and Legal Unit  
 Dept. of Alcoholic Beverage Control  
 SACRAMENTO

**RECEIVED**

**MAR 14 2014**

Dept of Alcoholic Beverage Control  
 San Francisco

Cont. from Page 1 of Form 510A Protest -

Division Three A134000 & A134304). This neighborhood does not need a new liquor license.

3. Proposed premises are located in census tract 122.01 where the presently exists an undue concentration of licenses (MP Code 23958.4). In just the 800 block of Geary Street there are already 6 bars/clubs, and a liquor market/store...this does not take into account all the surrounding blocks that are similarly saturated with the availability of liquor in an area that already shows signs of an overconsumption problem. The proposed location out 854 Geary also is next to a very active Alcoholics & Drug Anonymous Meeting Center. Why add this additional temptation and risk to the wellbeing of people trying to overcome their problems with alcohol at this meeting hall?

The Outsider 894 Geary Street

Ha-Ra Club 875 Geary Street

Whiskey Thieves 839 Geary Street

Castle Club 823 Geary Street

El Tesoro Taqueria 868 Geary Street

Mid-City Food/Liquor 868 Geary Street

4. The premises are located within the immediate vicinity of 4 children playgrounds (Sergeant John Macaulay Park, Tenderloin Children Playground, Father Alfred E. Boeddeker Park, Turk and Hyde Mini Park) the issuance of this license would put our neighborhood children in a situation of child endangerment should be considered (Code MP 23789).

5. The proposed premise with it's expected occupancy load and it's proposed operating hours will create an immediate intensification of public nuisances, crime, loitering, litter, noise issues, DUI, etc. contrary to public welfare and morals of the neighborhood trying to improve the environment and it's surroundings.

6. Licensing the premises would create a public nuisance as history has shown that it is difficult to control who is or is not drinking alcohol from open containers in such a dense commercial and residential environment. If a patron at the previous establishment lit a cigarette or marijuana within seconds my apartment is overwhelmed with the smell of smoke. There are many disabled residents with respiratory issues and use oxygen and CPAP machines to sleep in the area. The concentration of people going outside these establishments to smoke creates a serious health issue for these very sick tenants that live within close proximity of the proposed new bar. In addition the stress created by the loud obnoxious behavior that is impossible to control outside the bars which is already a problem for the area. Any additional noise would be TOO MUCH! Tons of empty containers, cigarettes, etc. are picked up and keeping the area clean is at the expense of local SF residents, merchants and taxpayers.

7. The applicant is married to Craig Lipton that has questionable business practices and was recently found guilty of criminal behavior. The attempt to establish the license in his spouses name is an attempt to subvert the law. I would suggest background checks be done in the case of this license applicant. <http://www.justice.gov/atr/cases/f278800/278850.pdf>

8. The License Application posting was not displayed improperly not in public view. It was place in a position that allowed the door to propped open so that local residents could not see it. See attached photos. At minimum the sign needs to be relocated and the time extended so area residents can submit protests. Originally a sign went up saying an Art Gallery was going in the location.

9. The applicant has failed to provide acceptable and valid facts and findings that the proposed NEW type 42 License from another area would be necessary, convenient, desirable, or compatible for THIS neighborhood. We have endured too much in this neighborhood already please bring back some sanity and safety for our residential neighborhood. While the neighborhood would definitely prefer another type of business at 854 Geary Street, at the very least an impact study needs to be done and stringent operating restrictions must be imposed so that we can have peaceful quiet enjoyment of our homes.

RECEIVED

MAR 25 2014

Hearing and Legal Unit  
Dept. of Alcoholic Beverage Control  
SACRAMENTO

RECEIVED

MAR 14 2014

Dept of Alcoholic Beverage Control  
SAN FRANCISCO

**DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL**

3927 Lennane Drive, Suite 100, Sacramento, CA 95834  
www.abc.ca.gov

**NOTICE**

March 27, 2014

ROBERT GARCIA  
866 POST ST  
SAN FRANCISCO, CALIFORNIA 94109

854 GEARY, LLC  
TENDER  
854 GEARY ST  
SAN FRANCISCO, CA 94109-7228  
File: 42-541602

Your protest has been received and accepted. A copy has been sent to the applicant.

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Please contact the San Francisco District Office at (415) 356-6500 if you have any questions.

vp

Copy:  San Francisco District office  
 Applicant(s) with Enclosure  
 Representative(s) with Enclosure

*BERNARDINO*

# PROTEST AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION

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- A copy of all valid and verified protests (ABC-510-A) and Protestants/Complainant's Declaration (ABC-128) will be provided to the applicant as part of the licensing process.

I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

Miriam Lipton

(Name(s) of Applicant(s))

For premises at:

854 Geary St. San Francisco, Ca 94118

(Exact address of proposed premises)

on the grounds that:

RECEIVED

MAR 25 2014

Hearing and Legal Unit  
Dept. of Alcoholic Beverage Control  
SACRAMENTO

Check here if additional sheets attached

I, Robert Garcia, declare under penalty of perjury:

PRINT (Name of Protestant)

- (1) That I am the Protestant herein;
- (2) That I have read the above protest and know the contents thereof; and
- (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE

*Robert Garcia*

TELEPHONE NUMBER (Optional & non-publi)

San Francisco, Ca

SIGNED AT (City and State)

DATE SIGNED

866 Post Street, San Francisco, Ca

March 17, 20014

PROTESTANT'S ADDRESS (Full address - Street name & number, Unit or Apt. No., City, State, & Zip Code)

RECEIVED

MAR 18 2014

Dept of Alcoholic Beverage Control  
San Francisco

*AB*

PAGE TWO OF ABC-510-A

I hereby protest the issuance of a type 42 license under the Alcoholic Control Act to:  
Miriam Lipton dba Tender for the premises at 854 Geary St., San Francisco, Ca 94118

On the grounds that:

The premises are located in a residential neighborhood. The neighborhood is the lower Nob Hill Historic Hotel & Apartment District, in eight square blocks there are 297 buildings on the National Registry Of Historic Places. The zoning for this area is RC-4 which is the highest residential to commercial in the city. This is the most densely populated area west of New York City.

The premises are located in a Census tract where there presently exists an undue concentration of ABC licenses. The 800 block of Geary St. has nine liquor licenses if you include the corners of Hyde And Larkin Streets there are seventeen liquor licenses. The census tract one block east, which is in the Six hundred block of Geary street, has seventy one liquor licenses where thirteen are allowed.

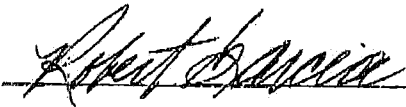
THIS IS A HIGH CRIME AREA. To say this area has a 20% greater number of reported crimes then the Average reported city wide is a joke. Two hundred and fifty reported crimes in a reporting plot in one year is considered a high crime area. This reporting plot averages about four thousand per year.

To license this premise with a type 42 liquor license will reduce property values and effectively result in Becoming a Bar/Nightclub, resulting in much more noise, parking and traffic congestion, smoking on the sidewalks, and loitering around the premises. As with most Bar/Clubs we can except lines of people waiting to get in until around 2:00 A.M. Licensing this premise would create a public nuisance as defined in Penal Code Section 370. A new license in this area will aggravate an existing law enforcement problem. Central station is responsible for policing the problems on Broadway/North Beach, Union Square and the rest of the district. SFPD is understaffed by about 300 officers and does not need another problem in this area.

CONSIDERATION POINTS: This is the Downtown Campus for the Academy of art University and many other school house students in this area. The Chinese Grace Church which also has a children's school is within 100 feet. Also, two and a half blocks north on Larkin St. is Redding School with a children's play ground. Within 100 feet, south on larkin st. is McCully Park, a children's playground.

The applicant sent a letter addressing us as "Dear Tenderloin Neighbors" and stating that she is naming her new establishment Tender in honor of the neighborhood in which it resides. San Francisco does not list an area called the Tenderloin on any official city map. The reason being that an area called a Tenderloin area is where Graft, Corruption, vice and Crime is tolerated. The area that some call the Tenderloin has always been Ellis Street to Market Street and Mason Street to Larkin Street. This type 42 liquor License authorizes the sale of beer and wine for consumption on or off the premises. Please do not issue another Liquor License in this area unless it is a bona fide Eating place with 51 % food service

Signature



RECEIVED

My residency is within 500 feet

MAR 25 2014

RECEIVED

Hearing and Legal Unit  
Dept. of Alcoholic Beverage Control  
SACRAMENTO

MAR 18 2014

Dept of Alcoholic Beverage Control  
San Francisco

**DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL**3927 Lennane Drive, Suite 100, Sacramento, CA 95834  
www.abc.ca.gov**NOTICE**

March 21, 2014

MARVIS J PHILLIPS  
230 EDDY ST # 1206  
SAN FRANCISCO, CALIFORNIA 94102854 GEARY, LLC  
TENDER  
854 GEARY ST  
SAN FRANCISCO, CA 94109-7228  
File: 42-541602

Your protest has been received and accepted. A copy has been sent to the applicant.

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Please contact the San Francisco District Office at (415) 356-6500 if you have any questions.

vp

Copy:  San Francisco District office  
 Applicant(s) with Enclosure  
 Representative(s) with Enclosure

BERNARDINO

Department of Alcoholic Beverage Control

State of California

**PROTEST AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION**

- Please refer to Form ABC-510, Instructions for Protesting an Alcoholic Beverage License Application, before completing and submitting your protest. The ABC-510 can be found at [www.abc.ca.gov](http://www.abc.ca.gov).
- Please print legibly or type. Incomplete and/or illegible information will cause the protest to be rejected.
- You will be notified by letter regarding a hearing on your protest. You will need to attend the hearing to testify and/or present evidence to support your protest.
- A copy of your valid protest, including your name and address, will be provided to the applicant as a public record and a right of discovery for a protest hearing.

I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

854 GEARY ST LLC DBA "TENDER"

(Name(s) of Applicant(s))

For premises at:

854 GEARY ST SAN FRANCISCO, CA 94109?

(Exact address of proposed premises)

on the grounds that: TYPE - 42

- 1) Undue concentration Business & Professional Code Section 23958.4
- 2) High crime Business & Professional Code Section 23958.4 (c)
- 3) Definition of High of high crime Business & Professional Code Section 23958.4 (c) (1)

RECEIVED

FEB 14 2014

Hearing and Legal Unit  
Dept. of Alcoholic Beverage Control  
SACRAMENTO

Conditions For Approval

- A) No off-sale beer & wine allowed.
- B) No-coin operated or mechanical devices or pool table.
- C) Hours of operation: 10AM - 12AM SUN - THU, 10AM - 1AM FRI / SAT
- D) No live entertainment or D. J. entertainment allowed.
- E) A San Francisco Health Code Section 1009 No Smoking sign shall be posted on door.
- F) A No loitering sign shall be posted on door.
- G) No - after - hours permit allowed.

RECEIVED

FEB 12 2014

Dept of Alcoholic Beverage Control  
SAN FRANCISCO

Action 25 signed  
11-5-32 sign no loitering

Check here if additional sheets attached

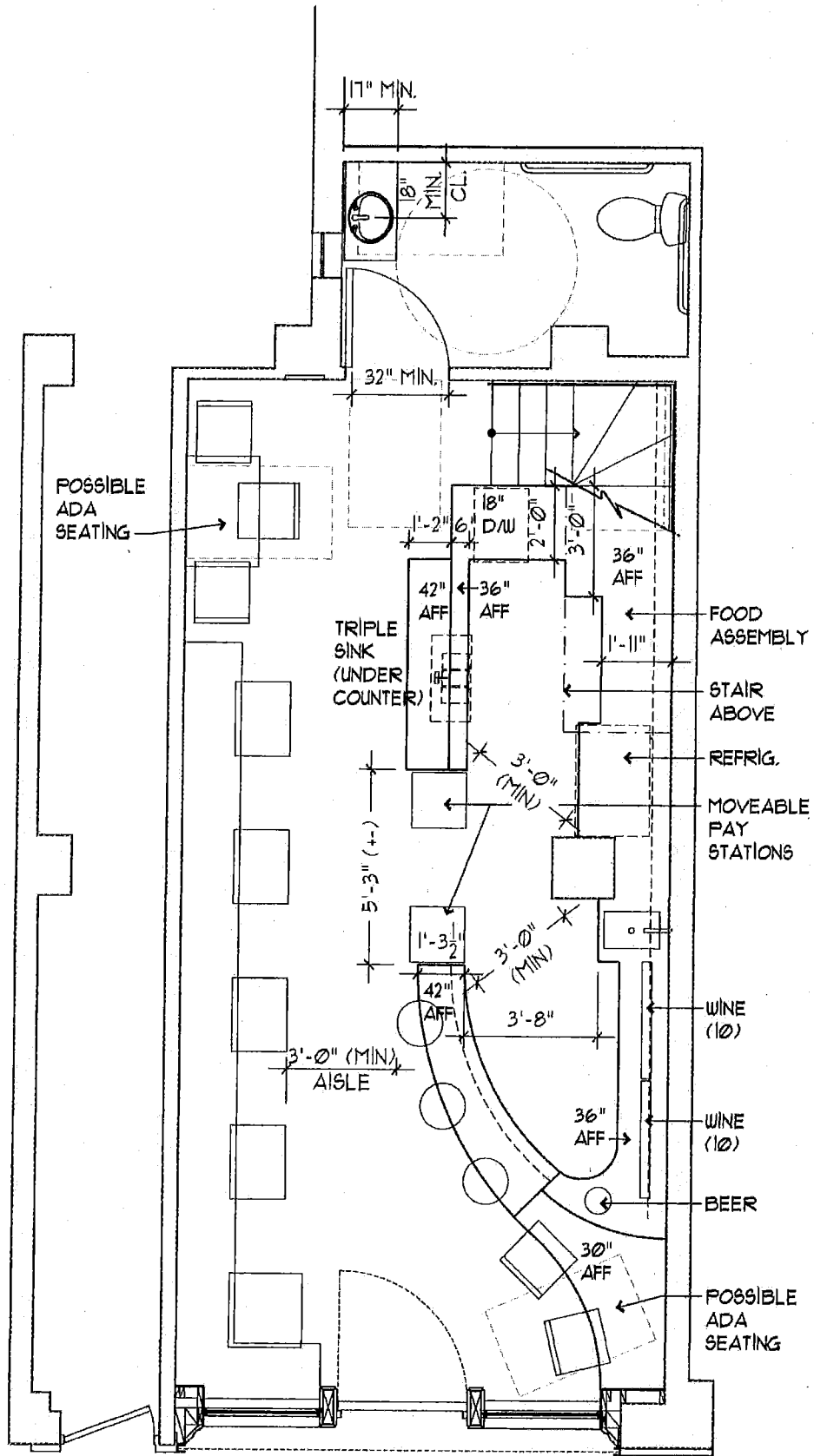
I, Marvis J. Phillips, PUBLIC SAFETY CHAIR, ABDC, declare under penalty of perjury:  
PRINT (Name of Protestant)

(1) That I am the protestant herein; (2) That I have read the above protest and know the contents thereof; and (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE <u>Marvis J. Phillips</u>	PROTESTANT'S TELEPHONE NUMBER (Optional) <u>(415) 674-1935</u>
SIGNED AT (City and state) <u>SAN FRANCISCO, CALIFORNIA</u>	DATE SIGNED <u>9 FEB 2014</u>
PROTESTANT'S ADDRESS (Street number and name, city, state, zip code) <u>230 Eddy St #1206, San Francisco, CA 94102-6526</u>	

410





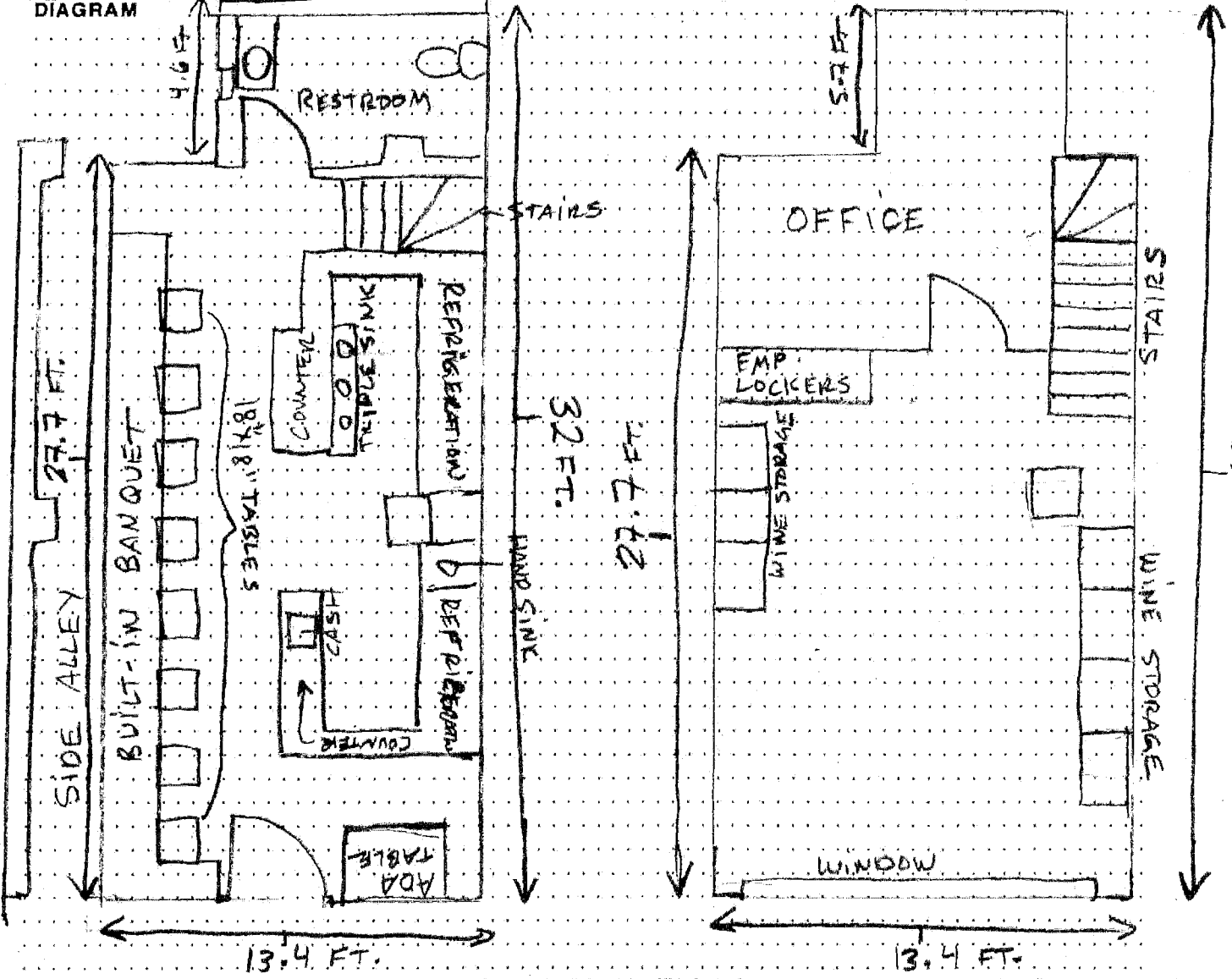
SCHEME J - 854 GEARY (SEATING: 18)  
 SCALE: 1/4" = 1'-0" 030514

Department of Alcoholic Beverage Control  
**LICENSED PREMISES DIAGRAM (RETAIL)**

State of California

1. APPLICANT NAME (Last, first, middle) 854 Geary, LLC	2. LICENSE TYPE 42
3. PREMISES ADDRESS (Street number and name, city, zip code) 854 Geary St. San Francisco, CA 94109	4. NEAREST CROSS STREET Hyde St.

The diagram below is a true and correct description of the entrances, exits, interior walls and exterior boundaries of the premises to be licensed, including dimensions and identification of each room (i.e., "storeroom", "office", etc.).



It is hereby declared that the above-described boundaries, entrances and planned operation as indicated on the reverse side, will not be changed without first notifying and securing prior written approval of the Department of Alcoholic Beverage Control. I declare under penalty of perjury that the foregoing is true and correct.

APPLICANT SIGNATURE (Only one signature required)	DATE SIGNED
---	-------------

**FOR ABC USE ONLY**

CERTIFIED CORRECT (Signature)	PRINTED NAME	INSPECTION DATE
-------------------------------	--------------	-----------------

RECEIVED

LIQUOR LICENSE REVIEW

MAR 3 - 2014

CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
TAC TEAM

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

File: 140183

TO: Police Department  
Officer Alberto Duarte  
Lieutenant Edward Santos  
Fax No.: 553-1463

Block/lot: 0302/011A  
Zoning: RC-4  
Quad: NE  
map # 1400314

DATE: March 3, 2014

This item is tentatively scheduled to be heard in four to six weeks.  
**PLEASE EMAIL YOUR RESPONSE BY:** April 8, 2014, to Derek Evans, Clerk,  
Neighborhood Services and Safety Committee.

**Derek.Evans@sfgov.org - Fax No: 554-7714**

**Applicant Name:** Miriam Lipton  
**and Business Name:** 854 Geary, LLC, dba Tender  
(854 Geary Street)

**Applicant Address:** 854 Geary Street  
San Francisco, CA 94118  
**and Phone No.** (415) 271-1067

**PLANNING COMMENTS:**  Approval  Denial

Type 42 ABC License permitted per section 209.8 of the Planning Code.



Anne Brask 415-575-9078  
3/7/2014

**POLICE COMMENTS:**  Approval  Denial

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

February 15, 2014

2014 FEB 28 AM 11:15

Miriam Lipton  
854 Geary St.  
San Francisco, CA 94118  
415-271-1067

To Whom It May Concern at The San Francisco Board of Supervisors,

My name is Miriam Lipton and I have applied with the local Alcoholic Beverage Control (ABC), for a TYPE 42 On Sale Beer and Wine Public Premises license. Ownership for the business is registered under the name 854 Geary, LLC. DBA name is Tender.

Tender will be a public wine bar establishment serving Northern California wine and local craft beer on tap. I will also feature local, artisanal cheese, charcuterie, olives, bread and small desserts/chocolates. Tender will operate seven days a week from 4:00 PM to 11:00 PM Monday-Wednesday, from 4:00 PM to 12:00 PM on Thursday, from 4:00 PM to 2:00 AM Friday and Saturday and from 3:00 PM to 11:00 PM on Sunday. We may be open earlier for special events. I hope to feature a revolving art show that changes monthly.

I expect that approximately 70% of revenue will come from wine and beer sales and 30% from food. The management of 854 Geary, LLC is well-suited to operating a small business in the city of San Francisco and has experience managing and training a staff and managing all aspects of ordering products, maintaining stock and managing the bookkeeping. The staff at Tender will be trained for food safety and beverage service and will be experienced in the hospitality industry. On average I expect to have three to four full-time employees, myself included. I will hire a payroll company and a sommelier to act as a consultant from time to time.

I believe Tender will be a unique and welcome addition to the Tenderloin neighborhood. While there are several bars in the area, there are very few wine bars. We are occupying a retail space that has been vacant for decades. I believe that vacant commercial space contributes unfavorably to the overall health and perceived health of a neighborhood and I am excited to be a part of the revitalization of this beautiful old building. I will focus on bringing locally produced goods and my adherence to a tap only business model is a green, eco-friendly alternative to typical wine/beer establishments. There is virtually no waste and the only bottles being recycled (and potentially disturbing nearby residents) will be from bottles containing sparkling wine, as those are not yet available on tap.

I have invested a considerable amount of time and money in improving the overall appearance of the space and have made many upgrades to both the interior and the exterior. This investment is not only a commitment to Tender, but also a commitment to the community in providing a high-quality, eco-friendly product in a safe, beautiful and relaxing environment. I hope to appeal to both locals and visitors alike who want to enjoy good conversation and connect with one another in a space that feels welcoming and unpretentious.

Thank you so much for taking the time to read this letter. I have also enclosed a copy of the letter of introduction that I sent with the neighborhood notification form letter for your perusal. Please feel free to contact me at [miriam.tendersf@gmail.com](mailto:miriam.tendersf@gmail.com) or at the above number.

Very Truly Yours,



Miriam Lipton

February 12, 2014

Miriam Lipton  
854 Geary St.  
San Francisco, CA 94118

Dear Tenderloin Neighbors,

My name is Miriam Lipton and I am opening a wine bar called Tender at 854 Geary St. As part of the permitting process required by The Dept. of Alcoholic Beverage Control (ABC), I must notify all residents within a 500 square foot radius informing them of my plans to offer alcohol on the premises. I thought I would take this opportunity to include a more personal letter to introduce myself and give you all an idea of what I have in mind for the premises.

The space at 854 Geary has not been open for public use in decades. I am so excited to be a part of the revitalization of this beautiful old building! The entire space is being renovated and fixtures will include locally sourced reclaimed wood counters and tables, a built-in banquet and a twenty-eight foot long mural painted by local artist, Andrew Schoultz, a rising star in the contemporary art world with pieces housed in the permanent collections of several major American museums.

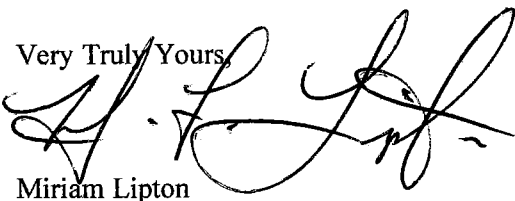
It is my intention to offer wine and beer on tap and a carefully chosen selection of local artisanal cheeses, cured meats and chocolates presented beautifully in a relaxed, warm and unpretentious atmosphere. Wine on tap is an eco-friendly alternative to bottled wine and reduces the massive amount of glass that can be generated by an enterprise such as mine. Hooray for less noise at recycling pick-up time!

I love people and great conversation and hope to attract both to this new, neighborhood gathering place. I have been living and working in San Francisco for the past 23 years and while this is my first foray into the hospitality industry, I have owned and operated other retail businesses in The City.

I understand that a business that serves alcoholic beverages may be met with some trepidation and even resistance. It is my intention to provide a special and unique gathering place that adds to the eclectic vibe of the Tenderloin. I hope to create an inviting space for locals and visitors alike to enjoy some of the fantastic things the Bay Area is most known for, namely, lovingly crafted wine, beer, food and interesting people! I have named my new establishment "Tender" in honor of the neighborhood in which she resides.

I hope that this letter has answered some of the questions you may have had. I also hope you will consider stopping by as we continue to make progress towards opening our doors in early spring. If you would like more information or have any additional questions or concerns, please do not hesitate to contact me via email at [miriam.tendersf@gmail.com](mailto:miriam.tendersf@gmail.com).

Very Truly Yours,



Miriam Lipton

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2014 FEB 28 AM 11:15

February 15, 2014

Miriam Lipton  
854 Geary St.  
San Francisco, CA 94118  
415-271-1067

To Whom It May Concern at The San Francisco Board of Supervisors,

My name is Miriam Lipton and I have applied with the local Alcoholic Beverage Control (ABC), for a TYPE 42 On Sale Beer and Wine Public Premises license. Ownership for the business is registered under the name 854 Geary, LLC. DBA name is Tender.

Tender will be a public wine bar establishment serving Northern California wine and local craft beer on tap. I will also feature local, artisanal cheese, charcuterie, olives, bread and small desserts/chocolates. Tender will operate seven days a week from 4:00 PM to 11:00 PM Monday-Wednesday, from 4:00 PM to 12:00 PM on Thursday, from 4:00 PM to 2:00 AM Friday and Saturday and from 3:00 PM to 11:00 PM on Sunday. We may be open earlier for special events. I hope to feature a revolving art show that changes monthly.

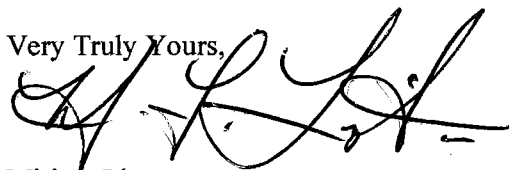
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I have invested a considerable amount of time and money in improving the overall appearance of the space and have made many upgrades to both the interior and the exterior. This investment is not only a commitment to Tender, but also a commitment to the community in providing a high-quality, eco-friendly product in a safe, beautiful and relaxing environment. I hope to appeal to both locals and visitors alike who want to enjoy good conversation and connect with one another in a space that feels welcoming and unpretentious.

Thank you so much for taking the time to read this letter. I have also enclosed a copy of the letter of introduction that I sent with the neighborhood notification form letter for your perusal. Please feel free to contact me at [miriam.tendersf@gamil.com](mailto:miriam.tendersf@gamil.com) or at the above number.

Very Truly Yours,



Miriam Lipton

# INFORMATION AND INSTRUCTIONS - SECTION 23958.4 B&P

- 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 an 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 **854 Geary LLC**

2. PREMISES ADDRESS (Street number and name, city, zip code) **854 Geary St., San Francisco, CA 94109**

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 checked="" type="checkbox"/> Tavern: Beer & Wine	<input type="checkbox"/> Wine Tasting Room
<input type="checkbox"/> Wine only	<input type="checkbox"/> All		

Supermarket     Membership Store     Service Station     Swap Meet/Flea Market

Liquor Store     Department Store     Convenience Market     Drive-in Dairy

Drug/Variety Store     Florist/Gift Shop     Convenience Market w/Gasoline

Other - describe:

5. COUNTY POPULATION **4,567,812, 820**

6. TOTAL NUMBER OF LICENSES IN COUNTY **284**     On-Sale     Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY     On-Sale     Off-Sale

8. CENSUS TRACT NUMBER

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT **15**     On-Sale     Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT **16**     On-Sale     Off-Sale

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

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

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

13. CRIME REPORTING DISTRICT NUMBER **548**

14. TOTAL NUMBER OF REPORTING DISTRICTS **653**

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS **46,883**

16. AVERAGE NO. OF OFFENSES PER DISTRICT **72**

17. 120% OF AVERAGE NUMBER OF OFFENSES **86**

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT **262**

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.

(BACK) Board of Supervisors

Governing Body/Designated Subordinate Name:

### FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

Hi Derek. Would you mind giving me a quick call and/or email to let me know you have received these documents?

Thank You!

Miriam

271.1067

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2014 FEB 28 AM 11:14  
AK



Member, Board of Supervisors  
District 9



Orig: COB  
c: NSS Clerk  
leg Dep  
City and County of San Francisco

**DAVID CAMPOS**

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DATE: July 11, 2014  
TO: Angela Calvillo  
Clerk of the Board of Supervisors  
FROM: Supervisor David Campos  
RE: Neighborhood Services and Safety Committee  
COMMITTEE REPORT

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RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2014 JUL 11 PM 12:01  
AK

Pursuant to Board Rule 4.20, as Chair of the Neighborhood Services and Safety Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on July 22, 2014, as a Committee Report:

**140183      Liquor License - 854 Geary Street**

To be PREPARED IN COMMITTEE AS A RESOLUTION:

Resolution determining that the issuance of a Type 42 on-sale beer and wine public premises license to Miriam Lipton for 854 Geary, LLC, dba Tender, located at 854 Geary Street (District 6), 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.

This matter will be heard in the Neighborhood Services and Safety Committee Regular Meeting on July 17, 2014, at 10:00 a.m.

A handwritten signature in black ink that reads "David Campos".

## LIQUOR LICENSE REVIEW

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

**File:** 140183

**TO:** Police Department  
Officer Alberto Duarte  
Lieutenant Edward Santos  
Fax No.: 553-1463

**DATE:** March 3, 2014

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This item is tentatively scheduled to be heard in four to six weeks.  
**PLEASE EMAIL YOUR RESPONSE BY:** April 8, 2014, to Derek Evans, Clerk,  
Neighborhood Services and Safety Committee.

**Derek.Evans@sfgov.org - Fax No: 554-7714**

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**Applicant Name:** Miriam Lipton  
**and Business Name:** 854 Geary, LLC, dba Tender  
(854 Geary Street)

**Applicant Address:** 854 Geary Street  
San Francisco, CA 94118  
**and Phone No.** (415) 271-1067

**PLANNING COMMENTS:**       Approval       Denial

**POLICE COMMENTS:**       Approval       Denial